

COURT OF APPEALS OF VIRGINIA

Present: Judges Baker, Willis and Overton

CONSTANCE M. DAVIS

v. Record No. 2690-95-1

JOHN E. DAVIS

MEMORANDUM OPINION* BY
JUDGE NELSON T. OVERTON
JUNE 11, 1996

FROM THE CIRCUIT COURT OF THE CITY OF PORTSMOUTH
Von L. Piersall, Jr., Judge

(James C. Hawks, on brief), for appellant.
Appellant submitting on brief.

(Roland W. Dodson, on brief), for appellee.
Appellee submitting on brief.

Constance M. Davis appeals from a decree of divorce a vinculo matrimonii, contending that the circuit court erred (1) by denying her a fault divorce on the grounds of cruelty and (2) by refusing to award her a greater sum for spousal support. We disagree.

Where dual grounds for divorce exist, the trial court may use its sound discretion to select the appropriate ground upon which to grant a divorce. Zinkhan v. Zinkhan, 2 Va. App. 200, 210, 342 S.E.2d 658, 663 (1986). The determination of spousal support and the appropriate amount likewise lie in the discretion of the trial court. After reviewing the record in this case, we find no abuse of discretion.

*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

Accordingly, the judgment below is affirmed.

Affirmed.