

COURT OF APPEALS OF VIRGINIA

Present: Judges Bumgardner, Frank and Humphreys  
Argued at Richmond, Virginia

LEVI MILTON WALKER, S/K/A  
LEVY MILTON WALKER

v. Record No. 2653-99-2

MEMORANDUM OPINION\* BY  
JUDGE RUDOLPH BUMGARDNER, III  
OCTOBER 10, 2000

COUNTY OF CHESTERFIELD

FROM THE CIRCUIT COURT OF CHESTERFIELD COUNTY  
Herbert C. Gill, Jr., Judge

Emmet D. Alexander for appellant.

Larry S. Hogan, Assistant Commonwealth's  
Attorney (William W. Davenport,  
Commonwealth's Attorney; B. Scott McMichael,  
Third Year Law Intern, on brief), for  
appellee.

Levi Milton Walker appeals his conviction of driving under the influence. He contends that Chesterfield County improperly enacted its driving under the influence ordinance. Finding no error, we affirm.

The arrest warrant charged the defendant did "drive or operate a motor vehicle under the influence of alcoholic beverages or other self administered intoxicants and/or drugs as described in Section 18.2-266(I), (II), (III) and/or (IV) 1950 code of Virginia as amended." It then cited both the local

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\* Pursuant to Code § 17.1-413, recodifying Code § 17-116.010, this opinion is not designated for publication.

ordinance and the state code, "13-1/18.2-266." The defendant pleaded not guilty but stipulated the Commonwealth's evidence and presented no defense evidence. The trial court convicted the defendant of driving under the influence in violation of Code § 18.2-266.

The defendant argues the county ordinance was invalid because the General Assembly amended the code after the county adopted its ordinance. See Code § 46.2-1313. However, the final order clearly states the trial court convicted the defendant of violating Code § 18.2-266, not of violating the local ordinance. The order from which the defendant appeals does not reflect the issue he raises. We cannot consider the issue raised because a court speaks only through its orders. See Cunningham v. Smith, 205 Va. 205, 208, 135 S.E.2d 770, 773 (1964). Accordingly, we affirm the conviction.

Affirmed.