

COURT OF APPEALS OF VIRGINIA

Present: Judges Haley, Millette\* and Senior Judge Coleman

JULIO SANTOS

v. Record No. 0597-08-3

FRANKLIN COUNTY DEPARTMENT  
OF SOCIAL SERVICES

MEMORANDUM OPINION\*\*  
PER CURIAM  
SEPTEMBER 2, 2008

FROM THE CIRCUIT COURT OF FRANKLIN COUNTY  
William N. Alexander, II, Judge

(Bruce A. Flora, on brief), for appellant. Appellant submitting on brief.

(Carolyn H. Furrow; Sara A. Jamison, Guardian *ad litem* for the minor children, on brief), for appellee. Appellee and Guardian *ad litem* submitting on brief.

On February 7, 2008, the trial court entered orders terminating the residual parental rights of Julio Santos (appellant) to his sons, D.G and E.S., and daughters, E.G. and M.G., pursuant to Code § 16.1-283(C)(2). Appellant noted his appeal of the decisions. In lieu of a transcript of the proceedings in the trial court, appellant filed a written statement of facts on April 28, 2008. However, the statement of facts was not made a part of the record because it was not filed within fifty-five days of the entry of judgment, as required by Rule 5A:8(c)(1).

“When the appellant fails to ensure that the record contains transcripts or a written statement of facts necessary to permit resolution of appellate issues, any assignments of error affected by such omission shall not be considered.” Rule 5A:8(b). On appeal, appellant challenges the sufficiency

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\* Justice Millette participated in the decision of this case prior to his investiture as a Justice of the Supreme Court of Virginia.

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

of the evidence to support the trial court's decisions. A transcript or statement of facts is indispensable to the resolution of this issue on appeal. See Anderson v. Commonwealth, 13 Va. App. 506, 508-09, 413 S.E.2d 75, 76-77 (1992); Turner v. Commonwealth, 2 Va. App. 96, 99-100, 341 S.E.2d 400, 402 (1986). Therefore, we affirm the judgments of the trial court.

Affirmed.