

PRESENT: All the Justices

ROBERT BATTEN DUNHAM, JR.

v. Record No. 120465

COMMONWEALTH OF VIRGINIA

PER CURIAM
November 1, 2012

FROM THE COURT OF APPEALS OF VIRGINIA

We awarded an appeal in this case from the Court of Appeals of Virginia based on the following assignments of error:

1. The Court of Appeals erred in failing to find that [a 1998 circuit court] Order was void, thereby making the 2010 Order void, where the 1998 Order impermissibly extended the length of time of Dunham's previously suspended sentence.

2. The Court of Appeals erred in finding that the trial court had subject matter jurisdiction to revoke Dunham's previously suspended sentence and extend the period of suspension, where the period of suspension had expired and the 1998 Order extending the period of suspension was void.

3. The Court of Appeals erred in finding that Dunham may not challenge the 1998 Order in this appeal, where Dunham's 2010 probation violation conviction is predicated upon the void 1998 Order.

We have considered the assignments of error, and for the reasons stated in Dunham v. Commonwealth, 59 Va. App. 634, 721 S.E.2d 824 (2012), we will affirm the judgment of the Court of Appeals.

Affirmed.