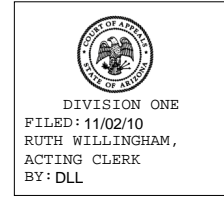


NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED
EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
See Ariz.R.Sup.Ct. 111(c); ARCAP 28(c);
Ariz.R.Crim.P. 31.24



**IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE**

IN RE THE MATTER OF:) 1 CA-CV 09-0626
)
SILVIE MAJORENKOVA,) DEPARTMENT D
)
Plaintiff/Appellee,) **MEMORANDUM DECISION**
v.) (Not for Publication -
) Rule 28, Arizona Rules
GEORGE J. HRUBEC,) of Civil Appellate
) Procedure)
Defendant/Appellant.)
)

Appeal from the Superior Court in Maricopa County

Cause No. FC 2004-013605

The Honorable Kenneth Skiff, Judge Pro Tem

AFFIRMED

George J. Hrubec
Defendant/Appellant In Propria Persona

Phoenix

I R V I N E, Judge

¶1 George J. Hrubec ("Hrubec") appeals the family court's decision affirming an order of protection entered against him. For the reasons that follow, we affirm the judgment of the family court.

FACTS AND PROCEDURAL HISTORY¹

¶2 Hrubec and Silvie Majorenkova ("Majorenkova") divorced in May 2005. After the divorce, Majorenkova had a number of orders of protection issued against Hrubec. The subject of this appeal is a July 31, 2009 order of protection. The family court held a hearing on the matter on September 2, 2009. After considering the testimony of both parties and the evidence presented, the family court found there was "reasonable cause to believe that [Hrubec] has committed an act of domestic violence within the last year, specifically harassment." The court ordered that the July 31, 2009 order of protection be "affirmed and continued in full force and effect." Hrubec timely appealed.

DISCUSSION²

¶3 Hrubec argues the family court erred in renewing the

¹ Pursuant to Arizona Rule of Civil Appellate Procedure ("ARCAP") 13(a)(4), an appellant's opening brief must contain a statement of facts with "appropriate references to the record." This Court may disregard statements of facts that do not comply with Rule 13. *Lansford v. Harris*, 174 Ariz. 413, 417 n.1, 850 P.2d 126, 130 n.1 (App. 1992). Accordingly, we do not consider Hrubec's statement of facts because he fails to cite to the record as required. In this case, the facts set out in the decision are based on our own examination of the record.

² As an initial matter, we note that the order of protection had already expired by the time the appeal came before this panel. See Ariz. Rev. Stat. § 13-3602(L) (2010) (an order of protection expires one year after it is served). Hrubec did not seek accelerated review pursuant to ARCAP 29. Because our decision may have consequences beyond the present proceeding, we do not dismiss Hrubec's appeal as moot.

order of protection because he provided ample evidence to demonstrate that Majorenkova's "claims of years of harassment w[ere] complete[ly] false."³

¶4 A transcript of the proceedings was not made part of the record on appeal. As the appellant, Hrubec was obligated to "mak[e] certain the record on appeal contains all transcripts or other documents necessary for us to consider the issues raised." *Baker v. Baker*, 183 Ariz. 70, 73, 900 P.2d 764, 767 (App. 1995); see also ARCAP 11(b). Generally, in the absence of a transcript, we presume it supports the family court's factual findings and rulings. *Kohler v. Kohler*, 211 Ariz. 106, 108 n.1, ¶ 8, 118 P.3d 621, 623 n.1 (App. 2005). The family court's minute entry contains an outline of the discussion, including the consideration of testimony and evidence presented. Furthermore, Hrubec's argument on appeal is essentially a request for a different weighing of the evidence, which is not appropriate for appellate review. *Hurd v. Hurd*, 223 Ariz. 48, 52, ¶ 16, 219 P.3d 258, 262 (App. 2009).

³ Majorenkova has not filed an answering brief, which we may regard as a confession of error. See *In re Marriage of Diezsi*, 201 Ariz. 524, 525, ¶ 2, 38 P.3d 1189, 1190 (App. 2002). We decline to do so on this record.

CONCLUSION

¶5 For the reasons discussed above, we affirm the judgment of the family court.

/s/

PATRICK IRVINE, Judge

CONCURRING:

/s/

LAWRENCE F. WINTHROP, Presiding Judge

/s/

PATRICIA K. NORRIS, Judge