

IN THE SUPREME COURT OF THE STATE OF DELAWARE

EDWARD F. MAHAN,	§
	§ No. 552, 2006
Petitioner Below-	§
Appellant,	§
	§ Court Below—Family Court
v.	§ of the State of Delaware
	§ in and for New Castle County
DEBORAH A. MAHAN,	§ File No. CN94-09037
	§ Petition No. 04-20598
Respondent Below-	§
Appellee.	§

Submitted: May 11, 2007

Decided: June 28, 2007

Before **STEELE**, Chief Justice, **JACOBS** and **RIDGELY**, Justices

ORDER

This 28th day of June 2007, upon consideration of the briefs on appeal and the record below, it appears to the Court that:

(1) The petitioner-appellant, Edward F. Mahan (“Husband”), filed an appeal from the Family Court’s September 13, 2006 property division order.¹ We find no merit to the appeal. Accordingly, we affirm.

(2) The record reflects that a property division hearing took place in the Family Court on September 5, 2006. Husband and respondent-appellee, Deborah A. Mahan (“Wife”) appeared and testified at the hearing. In its September 13, 2006 order, which was issued following the hearing, the

¹ Mahan was permitted to proceed in forma pauperis in his appeal. Supr. Ct. R. 20(h).

Family Court divided the marital property and, specifically, ordered the marital home to be sold and the proceeds divided equally between Husband and Wife. The Family Court declined to allow Husband the opportunity to purchase Wife's interest in the home on the ground that Husband had not paid anything on the mortgage for the previous seven months and was unlikely to be able to borrow the funds necessary to purchase Wife's interest.

(3) Husband appealed from the Family Court's September 13, 2006 order. In connection with the appeal, he filed a motion in the Family Court requesting that he be provided transcripts at State expense. Finding that Husband had sufficient resources to pay for transcripts, the Family Court denied the request on November 29, 2006. In his appeal, Husband claims that the Family Court improperly ordered that the marital home be sold and the proceeds distributed equally to him and Wife and improperly refused to give him the opportunity to purchase Wife's interest.

(4) The Supreme Court Rules direct each party to include in his or her appendix those portions of the record relevant to any claims on appeal.² The Rules also place the burden on the appellant of producing such portions of the trial transcript as are necessary to give this Court a fair and accurate

² Supr. Ct. R. 9(e) (ii) and 14(e).

account of the context in which the error allegedly occurred.³ The record provided to this Court by an appellant must include a transcript of all evidence relevant to the challenged finding or conclusion.⁴ A civil litigant does not have an absolute right to a copy of a transcript at State expense.⁵ Even an appellant who is permitted to proceed in forma pauperis on appeal is required to make his or her own financial arrangements to obtain the necessary transcripts.⁶

(5) Husband has not provided the Court with those portions of the transcript of the September 5, 2006 hearing bearing on his claims. As such, this Court has no adequate basis for evaluating Husband's summary claims of error. Husband's appeal is, therefore, unavailing.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Family Court is AFFIRMED.

BY THE COURT:

/s/Henry duPont Ridgely
Justice

³ *Tricoche v. State*, 525 A.2d 151, 154 (Del. 1987).

⁴ *Id.*

⁵ *Porter v. Mannion*, Del. Supr., No. 535, 2003, Berger, J. (July 20, 2004).

⁶ *Smith v. Deptula*, Del. Supr., No. 333, 2003, Holland, J. (Dec. 8, 2003).