

IN THE UTAH COURT OF APPEALS

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Jody G. Robinson,)	MEMORANDUM DECISION	
)	(Not For Official Publication)	
Petitioner and Appellee,)		
)	Case No. 20090007-CA	
v.)		
)	F I L E D	
Everett D. Robinson,)	(March 18, 2010)	
)		
Respondent and Appellant.)	<table border="1"><tr><td>2010 UT App 64</td></tr></table>	2010 UT App 64
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Fourth District, Provo Department, 084400917
The Honorable James R. Taylor
The Honorable Claudia Laycock

Attorneys: Everett D. Robinson, American Fork, Appellant Pro Se
 Patricia Abbott, Provo, for Appellee

Before Judges Davis, McHugh, and Voros.

DAVIS, Presiding Judge:

Respondent Everett D. Robinson (Husband) appeals the issuance of a protective order in favor of Jody G. Robinson (Wife). We affirm.

Husband alleges error in that the commissioner performed the judicial act of making a final order. We see no support for this argument in the record. A district court judge signed both the minute entry summarizing the hearing on the protective order as well as the final protective order itself.¹ And we are not

¹Additionally, it is clear that the protective order "granted" by the commissioner at the hearing was not a permanent protective order at that point. Although some of the commissioner's language at the hearing may have suggested that he was acting beyond his authority, the accompanying minute entry states that the prior temporary protective order was to remain in effect with the noted modifications until a permanent protective order could be put in place. Further, at the close of the hearing, the commissioner specifically told the parties that if they were unhappy with his decision, they would need to file a

(continued...)

convinced by Husband's argument, wholly unsupported by legal authority, that these bare signatures somehow indicate a lack of judicial oversight. Therefore, we are not convinced that the commissioner exceeded his authority in this case.

Husband also argues that the final protective order was broader in scope than that announced at the hearing and that he was given no opportunity to "review or object" to the final protective order before it was signed by a judge. Even assuming that Husband was never served with a copy of the proposed order, we do not see any prejudice to Husband in such a failing because he objected to the protective order immediately after it was entered and the district court thereafter held a hearing and addressed his claims.² Thus, any missed opportunity to object to the proposed order was remedied by the district court's willingness to address his objections after the order was entered, and any error regarding service of a proposed order was therefore harmless, see generally State v. Evans, 2001 UT 22, ¶ 20, 20 P.3d 888 ("[H]armless error is an error that is sufficiently inconsequential that there is no reasonable likelihood that it affected the outcome of the proceedings.").

Husband also argues (1) that there were insufficient grounds to allow the issuance of a protective order, which argument includes his claim that his plea in abeyance to domestic violence was considered in violation of rule 410 of the Utah Rules of Evidence; (2) that the order was more than was necessary to protect Wife; and (3) that he, too, should have been granted a protective order. Husband raised each of these claims in his objections to the final protective order. The district court held a hearing addressing these claims, and the minute order following the hearing dismissed those claims. And because Husband has not provided this court with a transcript of the hearing, we must assume that the district court adequately addressed and correctly dealt with all of Husband's claims at the hearing. See Jolivet v. Cook, 784 P.2d 1148, 1150 (Utah 1989) ("If an appellant fails to provide an adequate record on appeal, [the reviewing court] must assume the regularity of the

¹(...continued)
written objection "so it [could] go to a district court," indicating that the commissioner recognized that he did not have the ultimate say on the final protective order.

²Husband argues that he "had no opportunity to be heard" regarding his claims, but it appears from the record that a hearing was scheduled following his Request to Submit for Decision on the claims and that the district court dealt with the claims at that hearing.

proceedings below." (internal quotation marks omitted)). Thus, we do not grant relief based on Husband's various objections to the protective order.

Affirmed.

James Z. Davis,
Presiding Judge

WE CONCUR:

Carolyn B. McHugh,
Associate Presiding Judge

J. Frederic Voros Jr., Judge