

IN THE UTAH COURT OF APPEALS

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Arne John Jacobsen II,)	MEMORANDUM DECISION
)	(Not For Official Publication)
Petitioner and Appellee,)	
)	Case No. 20070560-CA
v.)	
)	F I L E D
Minnie Larue Thomas,)	(September 11, 2008)
)	
Respondent and Appellant.)	2008 UT App 334

Fourth District, Provo Department, 044400279
The Honorable Anthony W. Schofield

Attorneys: Minnie Larue Thomas, Salt Lake City, Appellant Pro Se
Frederick N. Green, Sandy, for Appellee

Before Judges Greenwood, Billings, and McHugh.

PER CURIAM:

Minnie Larue Thomas appeals two orders arising from an April 9, 2007 hearing. Because Thomas's brief is insufficient and she has failed to preserve the issues below, we affirm.

Briefing standards are provided in rule 24 of the Utah Rules of Appellate Procedure. See Utah R. App. P. 24. An appellate brief must contain, among other things, a statement of the issues for review, including the standard of review for each issue and a record citation showing that the issue was preserved for appeal. See id. R. 24(a)(5). In addition, a statement of facts relevant to the issues on appeal must be provided along with citations to the record to support the facts asserted. See id. R. 24(a)(7). A party challenging a finding of fact must marshal the evidence in support of that finding in the argument. See id. R. 24(a)(9).

Thomas's brief fails in these respects. She has neglected to provide a citation to the record to show where the issues were preserved for review. This requirement is important because, generally, this court will not review issues not preserved below. See Hart v. Salt Lake County Comm'n, 945 P.2d 125, 129 (Utah Ct. App. 1997). To preserve a substantive issue for appeal a party must first raise the issue before the trial court. See id. Thomas has not shown where the issues on appeal were raised in

the trial court, and, indeed, a review of the record established that the issues were not preserved. Although Thomas filed objections to the order on child support, the issues raised in the objections are not related to the issues asserted on appeal. Accordingly, this court cannot reach the issues asserted in Thomas's brief. See id.

Additionally, Thomas's statement of facts does not comply with rule 24 requirements. Her statement of facts lacks citations to the record to establish that the facts are supported. Rather, the fact statement appears to be merely assertions from Thomas's own perspective, and some asserted facts are only argument. Moreover, some facts regard events that occurred after the hearing and are beyond the scope of the challenged orders. There is no indication that the facts asserted are actually supported by evidence presented at the hearing. Given the lack of record support, Thomas's alleged facts are insufficient to be considered.

Finally, although Thomas attacks the factual findings of the trial court, she has failed to marshal the evidence in support of the court's findings. If an appellant fails to marshal the evidence, an appellate court generally assumes the record supports the findings. See 438 Main St. v. Easy Heat, Inc., 2004 UT 72, ¶ 69, 99 P.3d 801. Thomas's failure to marshal permits this court to affirm the trial court's findings without further review.

Affirmed.

Pamela T. Greenwood,
Presiding Judge

Judith M. Billings, Judge

Carolyn B. McHugh, Judge