

NOTICE: NOT FOR OFFICIAL PUBLICATION.
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE
ARIZONA COURT OF APPEALS
DIVISION ONE

In re the Matter of:

ALONZO ROBINSON,
Petitioner/Appellant/Cross-Appellee,

v.

SOPHIA J. F. HUTCHINS,
Respondent/Appellee/Cross-Appellant.

No. 1 CA-CV 15-0575 FC
FILED 7-19-2016

Appeal from the Superior Court in Maricopa County
No. FN 2011-094309
The Honorable Jennifer E. Green, Judge

AFFIRMED

COUNSEL

Alonzo Robinson, San Tan Valley
Petitioner/Appellant/Cross-Appellee

Sophia J. F. Hutchins, Columbus, OH
Respondent/Appellee/Cross-Appellant

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MEMORANDUM DECISION

Presiding Judge Patricia A. Orozco delivered the decision of the Court, in which Judge Peter B. Swann and Judge Jon W. Thompson joined.

O R O Z C O, Judge:

¶1 Alonzo Robinson appeals the family court’s order awarding Sophia Hutchins a portion of the community money returned to Robinson after his bankruptcy. For the following reasons, we affirm.

FACTS AND PROCEDURAL HISTORY

¶2 The parties divorced in 2012. Hutchins appealed portions of the decree of dissolution, including the division of the parties’ community property. *See Robinson v. Hutchins*, No. 1 CA-CV 13-0502, 2014 WL 5342728, *1, ¶ 1 (Oct. 21, 2014). In that appeal, we remanded so that the family court could allocate the \$9,431.65 refund from Robinson’s bankruptcy, which consisted of community property. *Id.* at *3, ¶ 13. On remand, the family court found in its July 22, 2015 order that Hutchins was entitled to \$3,000 of that community money. Robinson timely appealed¹ and Hutchins timely cross-appealed.

DISCUSSION

¶3 On appeal, Robinson disputes the July 22, 2015 order “on the grounds that [the family court] failed to review and to take into consideration all of the facts, documentation, exhibits and previous hearings activities [sic] involved in this case prior to rendering her decision and ruling on her findings without merit in favor of [Hutchins].” In support of his argument, Robinson states numerous facts that he believes the family court did not consider. We assume the family court considered all the evidence before it. *See Fuentes v. Fuentes*, 209 Ariz. 51, 55-56, ¶ 8 (App. 2004). The family court is in the “best position to weigh the evidence, observe the

¹ Robinson filed his notice of appeal on August 3, 2015, however, the minute entry from which he wished to appeal was not signed. We stayed the appeal and revested jurisdiction in the family court to sign the order. The family court filed a signed order on October 6, 2015.

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parties, judge the credibility of witnesses, and make appropriate findings.” *Christina G. v. Ariz. Dep’t of Econ. Sec.*, 227 Ariz. 231, 234, ¶ 13 (App. 2011). As a result, we do not “reweigh evidence on appeal.” *Reeck v. Mendoza*, 232 Ariz. 299, 303, ¶ 14 (App. 2013). Therefore, we affirm the family court’s ruling.

¶4 Hutchins makes a number of arguments on cross-appeal that were addressed in the previous appeal. The only issue on remand and before us on appeal is whether Hutchins was entitled to a portion of the refund from the bankruptcy proceedings, and if so how much. Because the issues Hutchins raises were not before the family court, those issues are not properly before us. *See id.* (holding that we do not address issues on appeal not presented to the family court). Therefore, we do not address the cross-appeal.

¶5 Hutchins requests her attorney fees on appeal, but because she did not have an attorney representing her on appeal, we deny the request. Robinson requests his costs on appeal, but because neither party was successful, we deny the award of costs to both parties. *See Murphy Farrell Dev., LLLP v. Sourant*, 229 Ariz. 124, 134-35, ¶ 38 (App. 2012) (declining to award to costs to either party when neither was successful on appeal).

CONCLUSION

¶6 For the foregoing reasons, we affirm the family court’s order.



Ruth A. Willingham · Clerk of the Court
FILED : AA