

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

FILED BY CLERK

JUN 11 2013

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

CYNTHIA M. ZEIDMAN,)	2 CA-CV 2013-0004
)	DEPARTMENT A
Plaintiff/Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 28, Rules of Civil
JEFFREY D. ZEIDMAN,)	Appellate Procedure
)	
Defendant/Appellant.)	
)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. DV20122347

Honorable Suzanna S. Cuneo, Judge Pro Tempore

AFFIRMED

Jeffrey D. Zeidman

Tucson
In Propria Persona

H O W A R D, Chief Judge.

¶1 Appellant Jeffrey Zeidman appeals from an order of protection entered against him and in favor of his former spouse Cynthia Zeidman. For the following reasons, we affirm.

Factual and Procedural Background

¶2 The record reflects the following procedural history. In November 2012, Cynthia filed a petition for an order of protection against Jeffrey. She requested the order

prohibit Jeffrey from coming near her home, work, and the Calvary Chapel Church, and further requested Jeffrey be prohibited from possessing firearms or ammunition. After an ex parte hearing the same day, the trial court found Jeffrey had “committed an act of domestic violence against [Cynthia] within the last year” and granted all of Cynthia’s requests except that it did not prohibit Jeffrey from possessing firearms or ammunition. Jeffrey requested a hearing on the order several days later. That hearing, at which both Cynthia and Jeffrey were present, took place in December 2012. After both parties were sworn and questioned by the court, it ruled that the protective order would “remain in full force and effect,” found “Brady applie[d]”¹ because Jeffrey was a former spouse, and prohibited him from possessing firearms or ammunition. Jeffrey appeals. We have jurisdiction pursuant to A.R.S. § 12-2101(A)(1), (5)(b). *See Mahar v. Acuna*, 230 Ariz. 530, ¶ 11, 287 P.3d 824, 827-28 (App. 2012).

Discussion

¶3 Jeffrey argues that Cynthia falsified her petition and that, by granting the order of protection, the trial court denied his right to the free exercise of religion and the right to bear arms. “We review orders granting injunctions under a clear abuse of discretion standard.” *LaFaro v. Cahill*, 203 Ariz. 482, ¶ 10, 56 P.3d 56, 59 (App. 2002).

¹“Brady . . . refers to the federal Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993),” and under certain circumstances requires the prohibition of possession of firearms or ammunition after the entry of an order of protection. *Mahar v. Acuna*, 230 Ariz. 530, n.1, ¶ 15, 287 P.3d 824, 826 n.1, 828 (App. 2012).

¶4 Even though Jeffrey is a nonlawyer representing himself, he is held to the same standards as a qualified attorney. *See Old Pueblo Plastic Surgery, P.C. v. Fields*, 146 Ariz. 178, 179, 704 P.2d 819, 820 (App. 1985). Jeffrey has not provided a transcript of the relevant hearing below.² As the appellant, Jeffrey bears the burden of ensuring we have the necessary record to consider the issues he raises on appeal. *See Baker v. Baker*, 183 Ariz. 70, 73, 900 P.2d 764, 767 (App. 1995). We presume missing parts of the record support the trial court’s ruling. *Id.* We therefore presume the record contains, and the court found, all necessary facts to support its ruling.

¶5 Moreover, Jeffrey’s opening brief does not comply in any meaningful way with Rule 13, Ariz. R. Civ. App. P. The brief contains virtually no assertions of legally relevant facts or arguments, lacks appropriate references to the record or argument with citations to authorities, and does not state the basis of this court’s jurisdiction or articulate the proper standard of review. Because Jeffrey has failed to comply with the rules or adequately develop his arguments, we summarily affirm the trial court’s order granting the order of protection.³ *See* Ariz. R. Civ. App. P. 13(a)(6); *In re \$26,980.00 U.S. Currency*, 199 Ariz. 291, ¶ 28, 18 P.3d 85, 93 (App. 2000) (court does not consider bare assertion offered without elaboration or citation to legal authority).

²He has instead provided a transcript of an ex parte hearing in which he sought to modify an order of protection he previously had obtained against Cynthia.

³Cynthia failed to file an answering brief in this appeal. “Where debatable issues are raised, the failure of an appellee to file an answering brief constitutes a confession of reversible error.” *See Bugh v. Bugh*, 125 Ariz. 190, 191, 608 P.2d 329, 330 (App. 1980). But due to the deficiencies of Jeffrey’s brief, we find no debatable issues.

Conclusion

¶6 For the foregoing reasons, we affirm the decision of the trial court.

/s/ Joseph W. Howard

JOSEPH W. HOWARD, Chief Judge

CONCURRING:

/s/ Peter J. Eckerstrom

PETER J. ECKERSTROM, Presiding Judge

/s/ J. William Brammer, Jr.

J. WILLIAM BRAMMER, JR., Judge*

*A retired judge of the Arizona Court of Appeals authorized and assigned to sit as a judge on the Court of Appeals, Division Two, pursuant to Arizona Supreme Court Order filed December 12, 2012.