

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

ALBERT MORA,
Plaintiff/Appellee,

v.

KURISSA MERCER,
Defendant/Appellant.

No. 2 CA-CV 2017-0025
Filed August 4, 2017

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.
NOT FOR PUBLICATION
See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f).

Appeal from the Superior Court in Pima County
No. DV20170218
The Honorable Lisa I. Abrams, Judge Pro Tempore

AFFIRMED

Albert Mora, Tucson
In Propria Persona

Kurissa Mercer, Tempe
In Propria Persona

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MEMORANDUM DECISION

Chief Judge Eckerstrom authored the decision of the Court, in which Presiding Judge Vásquez and Judge Howard¹ concurred.

ECKERSTROM, Chief Judge:

¶1 Defendant Kurissa Mercer appeals from the trial court’s grant of a protective order in favor of plaintiff Albert Mora. Because Mercer has failed to comply with the Rules of Civil Appellate Procedure, we deem her arguments waived and affirm the judgment of the trial court.

¶2 On appeal, although Mercer challenges the factual basis for the order of protection, she has failed to develop any legal argument or to provide appropriate citations to the record. *See* Ariz. R. Civ. App. P. 13(a)(6), (7)(A), (B); *Ritchie v. Krasner*, 221 Ariz. 288, ¶ 62, 211 P.3d 1272, 1289 (App. 2009) (“Opening briefs must present and address significant arguments, supported by authority that set forth the appellant’s position on the issue in question.”). Moreover, the documents she relies on were not admitted in the trial court and are therefore not included in the record on appeal. *See GM Dev. Corp. v. Cmty. Am. Mortg. Corp.*, 165 Ariz. 1, 4, 795 P.2d 827, 830 (App. 1990) (evidence not considered by trial court may not be considered by appellate court).²

¶3 While we acknowledge that Mercer is not represented by counsel, “a party who conducts a case without an attorney is entitled to no more consideration from the court than a party represented by

¹The Hon. Joseph W. Howard, a retired judge of this court, is called back to active duty to serve on this case pursuant to orders of this court and our supreme court.

²Although Mercer requested a hearing on the protective order, she did not appear. Nor did she file a motion pursuant to Rule 85(C), Ariz. R. Fam. Law P., seeking relief from the judgment.

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counsel, and is held to the same standards expected of a lawyer.” *Kelly v. NationsBanc Mortg. Corp.*, 199 Ariz. 284, ¶ 16, 17 P.3d 790, 793 (App. 2000). Accordingly, we deem any arguments Mercer might have made waived. *See Rice v. Brakel*, 233 Ariz. 140, ¶ 28, 310 P.3d 16, 23 (App. 2013) (party that fails to “cite[] . . . relevant portions of the record [and] address[] the basis of the [trial] court’s decision” waives claim on appeal).

¶4 We therefore affirm the judgment of the trial court.