

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

IN RE THE MARRIAGE OF

JAKALA D. WINSTANLEY, FKA JAKALA D. GERLE,
Petitioner/Appellee,

and

CHAD A. GERLE,
Respondent/Appellant.

No. 2 CA-CV 2017-0079-FC
Filed January 16, 2018

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NOT FOR PUBLICATION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 Cochise County
No. S0200DO200901439
The Honorable Charles A. Irwin, Judge

AFFIRMED

COUNSEL

Law Office of Michael E. Farro, Sierra Vista
By Michael E. Farro
Counsel for Petitioner/Appellee

Chad Gerle, Sierra Vista
In Propria Persona

IN RE MARRIAGE OF WINSTANLEY & GERLE
Decision of the Court

MEMORANDUM DECISION

Judge Brearcliffe authored the decision of the Court, in which Presiding Judge Staring and Chief Judge Eckerstrom concurred.

BREARCLIFFE, Judge:

¶1 Respondent Chad Gerle appeals from the trial court's order modifying legal decision making, parenting time and child support. Because Gerle has failed to develop arguments or cite to the record supporting his assertions, we deem his arguments waived and affirm the judgment of the court.

¶2 On appeal, Gerle makes several arguments challenging the findings and conclusions of the trial court, and, without substantiation, alleging bias on the part of the court. Though we do recognize that Gerle 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 counsel, and is held to the same standards expected of a lawyer." *Kelly v. NationsBanc Mortg. Corp.*, 199 Ariz. 284, ¶ 16 (App. 2000). He has failed to develop his legal arguments or to provide appropriate citations to the record. *See* Ariz. R. Civ. App. P. 13(a) (opening brief must contain "issues presented for review, with appropriate references to the record" and "citations of legal authorities . . . upon which the appellant relies"); *see also Ritchie v. Krasner*, 221 Ariz. 288, ¶ 62 (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."). We therefore deem his arguments waived. *See In re \$26,980.00 U.S. Currency*, 199 Ariz. 291, ¶ 28 (App. 2000) (appellate court does not consider bare assertion offered without elaboration or citation to legal authority).

¶3 We also note that Gerle failed to provide this court with the transcript of the hearing at which the family law issues were argued and ruled upon. *Blair v. Burgener*, 226 Ariz. 213, ¶ 9 (App. 2010) ("[i]t is appellant's burden to ensure" the record on appeal is complete). The record on appeal must contain all transcripts and other documents necessary for this court to properly weigh the arguments raised and "[w]hen a party fails to include necessary items, we assume they would support the [trial] court's findings and conclusions." *Baker v. Baker*, 183 Ariz. 70, 73 (App. 1995); *see also* Ariz. R. Civ. App. P. 11(c)(1)(A) (appellant must order all transcripts "appellant deems necessary for proper consideration of the issues on appeal"). Consequently, had Gerle not waived his arguments, we would nonetheless have been bound to assume that the record supported the trial court's findings and conclusions.

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