

IN THE UTAH COURT OF APPEALS

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Greg Child,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Petitioner and Appellee,	)	
	)	Case No. 20090486-CA
v.	)	
	)	F I L E D
Renee Globis,	)	(December 9, 2010)
	)	
Respondent and Appellant.	)	<span style="border: 1px solid black; padding: 2px;">2010 UT App 344</span>

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Seventh District, Moab Department, 054700003  
The Honorable Lyle R. Anderson

Attorneys: Renee Globis, Park City, Appellant Pro Se  
            Craig C. Halls, Blanding, for Appellee

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Before Judges McHugh, Thorne, and Voros.

PER CURIAM:

Renee Globis appeals the trial court's order granting Greg Child's petition to modify a custody order, which granted full legal and physical custody of their daughter, A.C., to Child. We affirm.

Globis asserts that the trial court erred in determining that there was a substantial and material change in circumstances warranting a change in custody. "[A] determination of whether substantial and material changes have occurred is a fact-intensive legal determination that is presumed valid and is reviewed for abuse of discretion." Doyle v. Doyle, 2009 UT App 306, ¶ 15, 221 P.3d 888. When challenging such a fact-intensive legal ruling on appeal, an appellant must marshal the evidence in support of the determination and then show that the determination is unwarranted even in light of the supporting evidence. See Chen v. Stewart, 2004 UT 82, ¶¶ 20, 76, 100 P.3d 1177. Additionally, to challenge a finding or conclusion as unsupported, "the appellant shall include in the record a transcript of all evidence relevant to such finding or conclusion." Utah R. App. P. 11(e)(2).

As the appellant, it is Globis's obligation to provide this court with a complete record in order to be able to evaluate her

claims on appeal. See id.; State v. Penman, 964 P.2d 1157, 1162 (Utah Ct. App. 1998). However, she has failed to provide transcripts of the relevant hearings. Without transcripts of the hearings at which evidence was presented, this court cannot reach Globis's claims because we cannot review the evidence as presented. Absent a complete record, Globis's assertion of error "stands as a unilateral allegation which the reviewing court has no power to determine." Penman, 964 P.2d at 1162. Where a record on appeal is inadequate, this court must assume the regularity of the proceedings below. See Gorostieta v. Parkinson, 2000 UT 99, ¶ 16, 17 P.3d 1110.

Additionally, Globis has failed to marshal the evidence supporting the trial court's determination. When challenging the findings of a trial court, an appellant must marshal the evidence in support of the findings and then show that the evidence is insufficient to sustain the finding. See Chen, 2004 UT 82, ¶ 76. Appellants cannot merely present selected facts and excerpts of the record in support of their own position. See id. ¶ 78. However, this is just what Globis has done. She presents her own version of the facts and argues her position without providing any of the evidence supporting the finding of a substantial change in circumstances. Where an appellant fails to marshal the evidence, this court may assume that the evidence supported the trial court's findings. See id. ¶ 80.

Affirmed.

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Carolyn B. McHugh,  
Associate Presiding Judge

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William A. Thorne Jr., Judge

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J. Frederic Voros Jr., Judge