IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

FANTAHUEN M. HUSSEIN,	)	No. 66656-8-I
	)	
Appellant,	)	DIVISION ONE
	)	
v.	)	
	)	
MARINA GLISIC,	)	UNPUBLISHED OPINION
	)	
Respondent.	)	FILED: May 29, 2012

Spearman, A.C.J. — An appellant who fails to comply with the procedural rules on appeal or assign error to the trial court's findings and conclusions is not entitled to relief on appeal. In this dissolution case, Fantahuen Hussein appeals pro se, among other things, the final parenting plan, the order of child support, the trial court's findings of fact and conclusions of law, and domestic violence protection order. Hussein fails, however, to provide precise assignments of error, meaningful legal analysis, citations to relevant legal authority, or references to the record. Because these deficiencies are fatal to most of the issues raised in this appeal, and because the remaining issues are without merit, we affirm.

FACTS

This is an appeal from the dissolution trial of Fantahuen Hussein and Marina Glisic. Hussein and Glisic were married in 1999. They have two children. In 2008,

Hussein and Glisic separated after Hussein assaulted Glisic. He was convicted of domestic violence assault in Seattle Municipal Court. In September 2009, Glisic obtained a temporary domestic violence order of protection against Hussein, and a commissioner provided several reissuances of the temporary order. In November 2009, Hussein filed a petition for dissolution of the marriage. On December 3, 2009, Glisic obtained the "permanent" one-year order for protection. That same day, a commissioner consolidated the domestic violence order of protection case with the dissolution case.

Before trial, Hussein, who was at the time represented by counsel, filed a motion to modify the parenting plan. He wrote and filed the pleadings himself without telling his counsel; failed to provide the requisite notice required by the family law court rules; placed the motion on the wrong calendar; and had no basis in law or fact to modify the parenting plan. The trial court denied the motion and awarded CR 11 sanctions against Mr. Hussein. Counsel for Hussein later withdrew and he proceeded pro se.

At trial, the court heard three days of testimony, including testimony from both parties, the family court services evaluator, and Mr. Hussein's domestic violence batterer's treatment provider. The court entered findings of fact and conclusions of law, a decree of dissolution, a final parenting plan, a final order of support, and an order for protection. Hussein appeals all of those orders.[1]

[1] Hussein actually appeals ten separate pleadings in two different cause numbers, one of which is not a court order: (1) September 29, 2009 temporary order for protection; (2) September 29, 2009 petition for order of protection; (3) December 3, 2009 order for protection; (4) October 13, 2009 reissuance of temporary order for protection; (5) November 2, 2009 reissuance of temporary order for protection; (6) November 19, 2009 reissuance of temporary order for protection; (7) January 11, 2011 order for protection; (8) findings of fact and conclusions of law; (9) order of child support; and final

DISCUSSION

Pro se litigants are held to the same standard as attorneys and must comply with all procedural rules on appeal. In re Marriage of Olson, 69 Wn. App. 621, 626, 850 P.2d 527 (1993). Failure to do so may preclude appellate review. State v. Marintorres, 93 Wn. App. 442, 452, 969 P.2d 501 (1999). An appellant must provide "argument in support of the issues presented for review, together with citations to legal authority and references to relevant parts of the record." RAP 10.3(a)(6). Arguments that are not supported by any reference to the record or by citation of authority need not be considered. Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 809, 828 P.2d 549 (1992). Unchallenged findings of fact are verities on appeal. Zunino v. Rajewski, 140 Wn. App. 215, 220, 165 P.3d 57 (2007).

As a preliminary matter, Hussein's brief contains a statement of the case with very few helpful citations to the record. This violates the rules of appellate procedure, which require that "[r]eference to the record must be included for each factual statement." RAP 10.3(a)(5). Hussein's brief is only partially compliant with this rule; some factual statements found in his brief are supported by references to the record, others are not.

Significantly, Hussein fails to provide precise, "concise" assignments of error. See RAP 10.3(4). Hussein's opening brief lists twenty assignments of error, but none challenge any specific findings of fact or conclusions of law. Hussein's assignments of error nos. 6, 7, 8, 10, 11, 12, 13, 18, and 19 all purport to take issue with the sufficiency

parenting plan.

of the evidence and conclusions of law on various issues, including valuation and characterization of the parties' assets and liabilities; the parties income and debt used to calculate child support worksheets; the propriety of various RCW 26.09.191 parenting restrictions; and the fairness and equity of the property distribution. But because Hussein failed to challenge the trial court's findings of fact on all of these issues, they are verities on appeal. Zunino, 140 Wn. App. at 220.

With regard to the property distribution, even if Hussein had adequately challenged the trial court's findings on this issue, the record supports the findings. A party challenging a property distribution must demonstrate that the trial court manifestly abused its discretion. In re Marriage of Gillespie, 89 Wn. App. 390, 398, 948 P.2d 1338 (1997). Trial courts have broad discretion in valuing property and will be overruled on appeal only if there has been a manifest abuse of discretion. Id. at 403. A trial court does not abuse its discretion if its valuation is within the range of evidence presented at trial. In re Marriage of Mathews, 70 Wn. App. 116, 122, 853 P.2d 462 (1993). Here, Glisic testified that there was no longer any property acquired during the marriage for the court to divide. The trial court found Glisic's testimony to be credible and made a finding that the parties had fairly and equitably divided all community property before this case was filed.

Additionally, for several of his assignments of error, Hussein fails to provide meaningful analysis or argument in support of the issues "together with citations to legal authority and references to relevant parts of the record" as required by RAP

10.3(a)(6). For example, in assignment no. 2, Hussein cites a portion of chapter 10.99 RCW. However, he does not explain why he cited the statute, and we are unable to discern the relevance of this cited authority. Likewise, in assignment no. 14, Hussein simply argues the trial court erred in ordering back child support, but he cites no authority in support of this argument. Moreover, in assignment of error, no. 1, Hussein appeals the issuance of a temporary restraining order from 2009. This order does not appear to be appealable, given it is not a final order, see RAP 2.2(a), and given it was issued far more than 30 days before Hussein filed his notice of appeal. See RAP 5.2(a). Similarly, regarding assignment no. 16, Hussein generally discusses "ex parte communications" but does not explain the perceived error. A review of the transcript shows nothing but a relatively short colloquy between the court and counsel for Glisic on the day trial was to have begun, discussing in part a continuance made necessary because Hussein called the court and indicated he was sick.

Regarding the remaining assignments of error, we conclude they are without merit. As to assignment no. 3, which alleges the trial court erred in denying Hussein's motion to vacate a temporary restraining order, the trial court properly denied the motion because it was based on a faulty legal premise: i.e., that Hussein had been acquitted in Seattle Municipal Court of violating the order. Likewise, it was not error for the trial court to permit Hussein to represent himself given there is no constitutional right to counsel in a dissolution case. (Assignment no. 4). To the extent Hussein contends he did not receive a fair trial due to his difficulty understanding English, we

reject this argument. A review of the transcripts provided on appeal makes it clear that an Amharic interpreter was present at all the pretrial hearings attended by Hussein and at trial.

Hussein also contends the court erred by awarding sanctions personally against him, but not counsel, in response to a motion Hussein filed. (Assignment no .5). We disagree. The record shows Hussein, who was at the time represented by counsel, filed a motion to modify the parenting plan. He wrote and filed the pleadings himself without telling his counsel; failed to provide the requisite notice required by the family law court rules; placed the motion on the wrong calendar; and had no basis in law or fact to modify the parenting plan.

Hussein also argues that the RCW 26.09.191 parenting restrictions violate due process and to the United States Constitution, Eighth Amend. and that the failure to permit testimony from a late-disclosed bank employee violates the United States Constitution, Sixth Amend. We reject those arguments because Hussein fails to provide citations to applicable or relevant legal authority in support of them. RAP 10.3(a)(6). Likewise, Hussein's argument that counsel for Glisic is not entitled to fees because he works for a legal aid program is not well taken. See Tofte v. Washington State Dept. of Social and Health Services, 85 Wn. 2d 161, 531 P.2d 808 (1975) (nonprofit legal services corporation entitled to award of attorneys' fees notwithstanding absence of fee expenditure).

Hussein's brief provides a litany of complaints. To the extent those complaints

fail to present "argument in support of the issues presented for review, together with citations to legal authority and references to relevant parts of the record[,]" RAP 10.3(a)(6), we reject them. For those errors we are able to identify and address, we conclude they are without merit.

Affirmed.

Spearman, A.C.J.

WE CONCUR:

Cox, J.

Grosse, J.