

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

In re the Parentage of:)	No. 67220-7-1
)	
P.R.M.,)	DIVISION ONE
)	
Child,)	
)	
GINGER MILLER,)	UNPUBLISHED
)	
Respondent,)	FILED: <u>May 29, 2012</u>
)	
and)	
)	
PETER RICHESON,)	
)	
Appellant.)	
)	
)	

Cox, J. – Peter Richeson, appearing pro se, appeals a superior court order modifying a parenting plan. We dismiss the appeal because Richeson has failed to provide any part of the trial court record.

Based upon Richeson’s filings in this court, it appears that the King County Superior Court entered a final agreed parenting plan for P.R.M., Richeson’s son, in 2006. The trial court appears to have modified this plan twice in two orders entitled Parenting Plan Final Order and Order Re Modification/Adjustment of Custody Decree/Parenting Plan/Residential Schedule. It is unclear when these orders were entered, but they both appear to have been signed by the trial court on June 6, 2011.

Richeson filed a notice of appeal designating “all Ruleings/Judgements [sic] That occurred in Judge Jim Doerty...King County Superior Court On May 9th 2011” for review. On November 1, 2011, the clerk/court administrator of this court advised Richeson he must file and serve a designation of clerk’s papers with the trial court by December 1, 2011. This court received Richeson’s designation of clerk’s papers on November 16, 2011. On November 17, 2011, the clerk/court administrator advised Richeson that his designation of clerk’s papers did not comply with RAP 9.6(a) and the superior court’s requirement that the subnumbers, document name, and document filing date in the trial court be listed. The clerk also directed Richeson to file proof of service on all parties entitled to notice pursuant to Rules of Appellate Procedure (RAP) 9.2(a) and 9.6(a). On December 8, 2011, the clerk/court administrator informed Richeson that clerk’s papers were not filed in this court, as required by RAP 9.7(a), and that this court may choose to either impose sanctions or dismiss if they were not filed within 10 days.

A court commissioner entered the following order on January 27, 2012:

In his brief appellant Mr. Richeson states that he would like to present evidence. This court does not take evidence; review is based only on the record developed in the trial court. Although Mr. Richeson has provided copies of certain documents in the trial court, he has not provided official clerk’s papers. His brief also does not meet the requirements of RAP 10.3 and 10.4. Mr. Richeson will have until February 10, 2012 to provide any additional record and file a corrected brief. If he does not do so, the appeal will go forward on the existing record and brief. Mr. Richeson should understand that a panel of judges may determine the record and/or briefing is inadequate to address the issues Mr. Richeson raises. Respondent’s brief will be due March 12, 2012.

Despite this order, Richeson has failed to comply with the various express directives of this court.

Pro se litigants are held to the same standard as attorneys and must comply with all procedural rules on appeal.¹ An appellant has the burden of perfecting the record so that this court has before it all the evidence relevant to the issues on appeal.² Failure to provide an adequate record precludes appellate review.³

Here, despite repeated instructions by this court to do so, Richeson has failed to provide either clerk's papers or reports of proceedings, as specified by the Rules of Appellate Procedure. The absence of any record makes it impossible to review the issues he raises. Because Richeson has failed to perfect the record, we dismiss the appeal.

Cox, J.

WE CONCUR:

¹ In re Marriage of Olson, 69 Wn. App. 621, 626, 850 P.2d 527 (1993).

² RAP 9.6(a); In re Marriage of Haugh, 58 Wn. App. 1, 6, 790 P.2d 1266 (1990).

³ See Olmsted v. Mulder, 72 Wn. App. 169, 183, 863 P.2d 1355 (1993) (court refused to reach the merits of appellant's arguments because he failed to provide a sufficient trial record).

Sperry, A.W.

Grosse, J