



A.W. v. R.F.

Court of Appeals of Indiana

April 30, 2025, Decided

No.

Reporter

2025 Ind. App. Unpub. LEXIS 480 *; 2025 LX 31792

A.W., Appellant-Respondent, v. R.F., Appellee-Petitioner. 24A-PO-2524

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Core Terms

trial court, prima facie, injunction, trial court's factual determination, evidentiary hearing, pro se litigant, pro se

Opinion

[*1] Appeal from the

Huntington Superior Court

The Honorable

Samuel K. Conrad, Special Judge

Trial Court Cause No.

35D01-2408-PO-108

Memorandum Decision by Senior Judge Baker.

Judges Weissmann and Felix concur.

Baker, Senior Judge.

[1] A.W. appeals the trial court's issuance of an order for protection that bars her from stalking or harassing her neighbor, R.F. She argues, in essence, that the trial court should have accepted her version of events rather than R.F.'s version. But A.W. did not request a transcript of the evidentiary hearing. As a result, we cannot assess the validity of A.W.'s appellate claims, and we must affirm.

[2] R.F. has not filed an Appellee's Brief. In this circumstance, "we do not undertake to develop arguments on that party's behalf; rather, we may reverse upon a prima facie showing of reversible error by the appellant." [Ayers](#)

[v. Stowers, 200 N.E.3d 480, 483 \(Ind. Ct. App. 2022\)](#). "Prima facie error is error 'at first sight, on first appearance, or on the face of it.'" *Id.* (quoting [Front Row Motors, LLC v. Jones, 5 N.E.3d 753, 758 \(Ind. 2014\)](#)).

[3] We further note A.W. does not have an attorney and is proceeding pro se. "It is well settled that pro se litigants are held to the same legal standards as licensed attorneys." [Jones v. Hawk, 233 N.E.3d 1061, 1066 \(Ind. Ct. App. 2024\)](#). Pro se litigants are bound to follow the rules of procedure and must [*2] be prepared to accept the consequences of their failure to do so. [Id. at 1066-67](#).

[4] A.W. did not request a transcript of the evidentiary hearing. A Notice of Appeal "shall include" "[a] designation of all portions of the Transcript

necessary to present fairly and decide the issues on appeal." Ind. Appellate Rule 9(F)(5). The Indiana Supreme Court has stated, "Although not fatal to the appeal, . . . failure to include a transcript works a waiver of any specifications of error which depend on the evidence." [Campbell v. Criterion Group, 605 N.E.2d 150, 160 \(Ind. 1992\)](#).

[5] After reviewing A.W.'s Appellant's Brief and "Appellant's Addendum," it is clear that A.W. is challenging the trial court's factual determinations. See, e.g., Appellant's Br. p. 33 ("[R.F.] has not provided probative evidence of [A.W.] acting in a threatening manner or that he, as a reasonable person, felt terrorized, frightened, intimidated, or threatened."). But without the transcript we do not know what evidence was presented to the trial court. We must conclude that A.W. has waived any challenge to the trial court's factual determinations and has not made a prima facie showing of error. See [Towne & Terrace Corp. v. City of Indianapolis, 156 N.E.3d 703, 714 \(Ind. Ct. App. 2020\)](#) (affirming grant of preliminary injunction; party against whom injunction was sought raised evidentiary issues on appeal [*3] but failed to provide transcript of injunction hearing), *trans. denied*; cf. [Herr v. Carter Lumber, Inc., 888 N.E.2d 853, 854 \(Ind. Ct. App. 2008\)](#) (addressing merits of appeal despite appellant's failure to request trial transcript; appellant challenged only conclusions of law, not findings of fact), *trans. denied*.

[6] For the reasons stated above, we affirm the judgment of the trial court.

[7] Affirmed.

Weissmann, J., and Felix, J., concur.

APPELLANT PRO SE

A.W.

Huntington, Indiana