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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

TAMMY LADONNA WILLIAMS, Plaintiff and Respondent, v. DAMON ANTHONY DUVAL, Defendant and Appellant.	B230245 (Los Angeles County Super. Ct. No. SD023958)

APPEAL from an order of the Superior Court of Los Angeles County. David J. Cowan, Judge. Affirmed.

Damon Anthony Duval, in pro. per.; Law Offices of Rosario Perry, Rosario Perry and Monica Pedooem for Defendant and Appellant.

Law Office of Roy L. Kight and Roy L. Kight for Plaintiff and Respondent.

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Appellant Damon Anthony Duval appeals from the family court's "Restraining Order After Hearing (Order of Protection) (Domestic Violence Prevention)," issued on December 16, 2010, which is effective for three years.[1] The order prohibits appellant from having any contact with his former wife, respondent Tammy LaDonna Williams, their two children, and respondent's new husband. The order appears to be the fourth renewal of a restraining order first issued against appellant on April 17, 2008. We affirm.

It is a fundamental rule of appellate law that "'[a] judgment or order of the lower court is *presumed correct*. All intendments and presumptions are indulged to support it on matters as to which the record is silent, and error must be affirmatively shown. This is not only a general principle of appellate practice but an ingredient of the constitutional doctrine of reversible error.'" (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564; *Shaw v. County of Santa Cruz* (2008) 170 Cal.App.4th 229, 267.) Appellant has failed to meet his burden on appeal of affirmatively showing trial court error.

First, appellant fails to set forth the applicable law regarding the requirements for issuing a restraining order under the Domestic Violence Prevention Act (Fam. Code, § 6200 et seq.). "When an issue is unsupported by pertinent or cognizable legal argument it may be deemed abandoned and discussion by the reviewing court is unnecessary." (*Landry v. Berryessa Union School Dist.* (1995) 39 Cal.App.4th 691, 699–700.) Appellant also fails to discuss the standard of appellate review, which we note is abuse of discretion. (*Gonzalez v. Munoz* (2007) 156 Cal.App.4th 413, 420.) Although appellant does state that the trial court abused its discretion in renewing the restraining order, he fails to acknowledge that "[w]hen two or more inferences can reasonably be deduced from the facts, the reviewing court has no authority to substitute its decision for that of the trial court." (*Shamblin v. Brattain* (1988) 44 Cal.3d 474, 478–479.)

For example, although appellant points out that respondent and her husband both testified that they were afraid of him, he focuses on respondent's testimony that he had

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1 On June 26, 2012, after briefing had been completed and this court sent a notice for oral argument, appellant, who had been appearing in pro. per., substituted attorney Rosario Perry as his attorney.

not spoken to or been near her for the previous two years. But appellant ignores respondent's repeated testimony that the restraining order was preventing such contact. Respondent testified: "It's been demonstrated to this court since 2006 you have a history of following your own set of rules and doing what suits you. If there is not a boundary laid out before you, you cross it. . . . The only thing protecting me from you is that restraining order."

Additionally, California Rules of Court, rule 8.204(a)(2)(C) requires the opening brief to provide "a summary of the significant facts limited to matters in the record." Rather than discussing the relevant facts and law, appellant spends most of his 49-page opening brief accusing the trial court, opposing counsel and counsel for his children of engaging in numerous unethical and illegal acts which he claims violate his rights, including his constitutional rights. None of this discussion advances appellant's cause.

The fact that appellant has been representing himself does not lessen his burden of affirmatively demonstrating trial court error. Litigants appearing in propria persona are not entitled to special exemptions from the California Rules of Court or Code of Civil Procedure and are held to the same standard as a litigant represented by counsel. (*Gamet v. Blanchard* (2001) 91 Cal.App.4th 1276, 1284; *Nwosu v. Uba* (2004) 122 Cal.App.4th 1229, 1246–1247.)

DISPOSITION

The order is affirmed. Respondent is entitled to recover her costs on appeal.

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_____, Acting P. J.

DOI TODD

We concur:

_____, J.

ASHMANN-GERST

_____, J.

CHAVEZ