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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

ANTHONY TAYLOR,

Plaintiff and Appellant,

v.

CITY OF LOS ANGELES, et al.,

Defendants and Respondents.

B271919

(Los Angeles County  
Super. Ct. No. BS155131)

APPEAL from a judgment of the Superior Court of Los Angeles County, James C. Chalfant, Judge. Affirmed.

Law Offices of Ira M. Salzman and Ira M. Salzman, R. Alexander Comley, for Plaintiff and Appellant.

Michael N. Feuer, Los Angeles City Attorney, Blithe S. Bock, Assistant City Attorney and Shaun Dabby Jacobs, Deputy City Attorney, for Defendants and Respondents.

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The trial court denied Anthony Taylor’s petition for writ of mandate to overturn his termination from the Los Angeles Police Department (“LAPD”). Taylor contends that there was insufficient evidence to support the trial court’s judgment. Because Taylor did not meet his burden to demonstrate error, we affirm.

## **FACTUAL AND PROCEDURAL BACKGROUND**

Taylor, a Los Angeles police officer, was terminated after the LAPD Board of Rights found him guilty of three counts of misconduct. Taylor petitioned for a writ of mandate challenging the Board’s decision. He contended that the findings of misconduct were not supported by substantial evidence. The trial court denied the petition and upheld Taylor’s termination.

## **DISCUSSION**

On appeal, Taylor contends that the trial court’s judgment was not supported by substantial evidence. “Under the substantial evidence standard of review, “we must consider all of the evidence in the light most favorable to the prevailing party, giving it the benefit of every reasonable inference, and resolving conflicts in support of the [findings]. [Citations.] [¶] It is not our task to weigh conflicts and disputes in the evidence . . . . Our authority begins and ends with a determination as to whether, on the entire record, there is *any* substantial evidence, contradicted or uncontradicted, in support of the judgment.” [Citation.] ‘All presumptions favor the trial court’s ruling, which is entitled to great deference . . . .’ [Citation.]” (*In re Estate of Kampen* (2011) 201 Cal.App.4th 971, 992 [italics in original].)

A fundamental rule of appellate review is that an appealed judgment or order is presumed correct. (*Denham v. Superior Court of Los Angeles County* (1970) 2 Cal.3d 557, 564.) To overcome this presumption, the appellant must affirmatively demonstrate error. (*Ibid.*) Consequently, the appellant has the burden of providing an adequate record. (*Maria P. v. Riles* (1987) 43 Cal.3d 1281, 1295.)

While Taylor has provided this court with the reporter's transcript of oral proceedings in the trial court and the clerk's transcript of the briefing and trial court's judgment, he has not provided the administrative record upon which the trial court relied in making its decision. Taylor contends that what he has submitted is sufficient for us to determine that the trial court's decision was not supported by substantial evidence.

We disagree. It appears that the administrative record included lengthy testimony from Taylor's colleagues and associates, as well as from Taylor himself. The trial court cited to this testimony and related evidence in support of its judgment. Without this evidence, we have no means of evaluating whether it was sufficient to support the trial court's judgment. (See *Caveness v. State Personnel Bd.* (1980) 113 Cal.App.3d 617, 630 ["[I]n the absence of an evidentiary record, sufficiency of the evidence is not an issue open to question. Rather, we must presume that the findings were supported by substantial evidence"].)

Without a record, a reviewing court must make all presumptions in favor of the validity of the judgment. (*Elena S. v. Kroutik* (2016) 247 Cal.App.4th 570, 575.) Therefore, failure to provide an adequate record on an issue requires that the issue be resolved against appellant. (*Maria P. v. Riles, supra*, 43 Cal.3d

at pp. 1295-1296.) Without the administrative record relied upon by the trial court, we cannot review the basis of the court's decision. As such, we must presume the trial court acted properly and that its judgment was supported by substantial evidence.

### **DISPOSITION**

The judgment is affirmed. Respondent shall recover its costs on appeal.

ZELON, J.

We concur:

PERLUSS, P. J.

MENETREZ, J.\*

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\* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.