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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SEVEN

T.S.,

Plaintiff and Respondent,

v.

T.T.,

Defendant and Appellant.

B268376

(Los Angeles County
Super. Ct. No. BF048986)

APPEAL from an order of the Superior Court of Los Angeles County, Rolf M. Treu, Judge. Affirmed.

T.T., in pro. per., for Defendant and Appellant.

T.S., in pro. per., no appearance for Plaintiff and Respondent.

Appellant challenges the issuance of a domestic violence restraining order in favor of respondent, asserting that the proof of service was improper. Because appellant has not provided a record sufficient for review, we affirm.

FACTUAL AND PROCEDURAL SUMMARY

On August 12, 2015, Respondent T.S. filed a request for Domestic Violence Restraining order against appellant T.T. T.S. asserted that T.T. had threatened their minor child and T.S., and requested a change in custody, visitation and support orders as well as the restraining order. T.S. attached to the request an exhibit showing a threatening text message from T.T.¹

The court heard the matter on September 3, 2015, and found notice to be proper. T.T. did not appear. The court took testimony from T.S., and granted the order. T.T. appealed, electing to proceed without a transcript of the oral proceedings, and without a settled or agreed statement. T.T. designated limited documents for inclusion in the Clerk's Transcript.

DISCUSSION

In T.T.'s brief on appeal, he asserts that the proof of service for the September hearing was improper, and therefore had not been properly served. Further, T.T. challenges the exhibit to the request for order, arguing that it could have been fabricated. He appears to challenge T.S.'s motive in seeking the order.

¹ T.S.'s application indicated that at a hearing set on August 12, 2015, the service of a prior application had not been effective and she was ordered by the court to refile.

On appeal, appellant bears the burden of demonstrating error. In this case, T.T. has failed to meet this burden.

First, the record on appeal does not contain the proof of service. As a result, we are unable to determine whether there were any deficiencies in the notice. “Appealed judgments and orders are presumed correct, and error must be affirmatively shown. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564, [86 Cal.Rptr. 65, 468 P.2d 193].) Consequently, appellant has the burden of providing an adequate record. (*Maria P. v. Riles* (1987) 43 Cal.3d 1281, 1295, [240 Cal.Rptr. 872, 743 P.2d 932]; *Jade Fashion & Co., Inc. v. Harkham Industries, Inc.* (2014) 229 Cal.App.4th 635, 644, [177 Cal.Rptr.3d 184].) Failure to provide an adequate record on an issue requires that the issue be resolved against appellant. (*Maria P.*, *supra* at pp. 1295–1296, [240 Cal.Rptr. 872, 743 P.2d 932].)” (*Randall v. Mousseau* (2016) 2 Cal.App.5th 929, 935.)

Second, T.T. challenges the court’s consideration of the attachment, as well as challenges to the motivation of the respondent that should have been made at trial. Having failed to appear and object, appellant has waived those challenges. (*Avalos v. Perez* (2011) 196 Cal.App.4th 773, 776-777 [failure to raise issue in the trial court forfeits claim of error].) Even were that not the case, the record before this court, being completely silent as to the testimony that was presented, is insufficient to review that evidence. (*Randall*, *supra*, 2 Cal.App.5th at p. 935; *Elena S. v. Kroutik* (2016) 247 Cal.App.4th 570.) Appellant has failed to demonstrate error in the judgment.

DISPOSITION

The judgment is affirmed. T.T. shall bear his own costs on appeal.

ZELON, Acting P. J.

We concur:

SEGAL, J.

KEENY, J.*

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