

Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2005-028

JUNE TERM, 2005

Tabitha Wright	}	APPEALED FROM:
	}	
	}	
v.	}	Windsor Family Court
	}	
Edith Clough	}	DOCKET NO. 322-12-03 Wrfa

Trial Judge: Harold E. Eaton, Jr.

In the above-entitled cause, the Clerk will enter:

Defendant Edith Clough appeals pro se from a final relief-from-abuse order issued by the Windsor Family Court. Clough essentially contends that the evidence does not support a finding that she abused her daughter, plaintiff Tabitha Wright, or Wright's children. We affirm.

The record discloses that the trial court issued a final relief-from-abuse order in this matter in December 2003, with an expiration date in December 2004. Although Clough appealed the order to this Court, it was dismissed as untimely. In December 2004, Wright moved to extend the relief-from-abuse order. The trial court granted a temporary extension, held a hearing on January 7, 2005, and issued a final relief from abuse order that day, effective until January 2006. This appeal followed.

In her brief, Clough contends that she did not physically or mentally abuse her daughter or grandchildren, and takes issue with specific factual claims made by Wright. Clough declined to order a transcript of the evidentiary hearing, however, rendering it impossible for this Court to review her claims. See State v. Gadreault, 171 Vt. 534, 538 (2000) (mem.) (appellant=s failure to file a transcript precludes review of claims); In re S.B.L., 150 Vt. 294, 307 (1988) ("[A]ppellant must bear the consequence of the lack of a transcript of the evidence."). As we have explained, A[i]t is the burden of the party challenging a ruling to furnish the reviewing court a transcript of the proceeding involved." Id. (quoting Appliance Acceptance Co. v. Stevens, 121 Vt. 484, 488 (1960)). Absent a record of the hearing, we must assume that the evidence supports the court's findings. Id. at 307-08. Accordingly, we discern no basis to disturb the judgment.

BY THE COURT:

Paul L. Reiber, Chief Justice

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice