

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

**ENTRY ORDER**

SUPREME COURT DOCKET NO. 2004-006

AUGUST TERM, 2004

	}	APPEALED FROM:
	}	
Tina Clogston	}	Chittenden Family Court
	}	
v.	}	DOCKET NO. F 883-12-03 Cnfa
	}	
Brian Reynolds	}	Trial Judge: Mark J. Keller
	}	
	}	

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

Defendant Brian Reynolds appeals from a final relief-from-abuse order following a contested hearing in the Chittenden Family Court. We affirm.

On May 29, 2002, the Franklin Family Court entered a relief-from-abuse order protecting plaintiff Tina Clogston. Although the Franklin Family Court's docket entries show that the order was in effect until May 29, 2004, on November 23, 2003, plaintiff filed a motion to modify the order to include her children and to extend the order's effective date until 2006. Plaintiff also sought a change of venue to Chittenden County, which the court granted. Defendant, who was incarcerated at the time, received notice of the motion, and the Chittenden Family Court took evidence on it on December 29, 2003. Following the hearing, the court entered its findings and enjoined defendant from contacting, abusing, harassing, stalking, or threatening plaintiff and her children. The order is in effect until December 29, 2004. Defendant appealed.

Defendant appears pro se on appeal. He opted to proceed here without a transcript of the hearing held on December 29, 2003, but nevertheless challenges the basis for the court's decision. As appellant, defendant has the burden " to demonstrate how the lower court erred warranting reversal." In re S.B.L., 150 Vt. 294, 297 (1988). To that end, the appellate rules of procedure require an appellant to produce a transcript of all parts of the proceeding below that are relevant to the issues the appellant raises on appeal. V.R.A.P. 10(b)(1). In addition, the party seeking relief on appeal must demonstrate how the issues the party raises on appeal were preserved at trial. See V.R.A.P. 28(a)(4) (explaining that appellant's brief must identify how issues were presented below and preserved for appellate review).

Defendant argues that (1) there was no evidence of abuse to support the order; (2) the order expired before it was extended; (3) plaintiff was forum shopping; (4) the parties' son was never abused and should not be included in the final relief-from-abuse order; and (5) plaintiff committed perjury. Defendant's failure to provide a transcript of the hearing prevents this Court from reviewing his claims on their merits. Because we do not have a transcript, we do not know what evidence was presented to the family court or what arguments defendant presented to the court to persuade it that plaintiff was not entitled to the order she sought. Having failed to present an issue susceptible of appellate review, defendant's request for relief in this Court must be denied and the family court's order affirmed.

Affirmed.

BY THE COURT:

\_\_\_\_\_

John A. Dooley, Associate Justice

---

Denise R. Johnson, Associate Justice

---

Marilyn S. Skoglund, Associate Justice