

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

**ENTRY ORDER**

SUPREME COURT DOCKET NO. 2001-277

FEBRUARY TERM, 2002

Peter Beck	}	APPEALED FROM:
	}	
v.	}	Grand Isle Superior Court
	}	
Ernest and Jessica Bessette	}	DOCKET NO. 62-12-00 Gicv
	}	
	}	Trial Judge: Alden T. Bryan
	}	
	}	

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

Tenants appeal a Grand Isle Superior Court judgment granting landlord's complaint for eviction and finding in tenants' favor on landlord's claim for overdue rent. We affirm because tenants failed to provide us with a complete record to review and their claims on appeal are not adequately briefed.

The record reveals that landlord filed a pro se complaint for eviction with the superior court in December 2000 claiming that tenants did not make three rental payments required under the parties' rental agreement. In February 2001, tenants filed pro se an answer and counterclaim alleging that the premises were uninhabitable, landlord intentionally inflicted emotional distress upon them, and landlord owed them compensation for physical labor and materials required to make the property suitable for living. The court held a hearing on the merits on May 9, 2001, and issued findings of fact on the record. The court issued a written entry order containing its legal conclusions, which granted landlord's request for eviction, but disallowed his claim for overdue rent on the grounds that landlord did not maintain the premises in a habitable condition. The court ordered landlord to refrain from renting the property until he received an order of habitability from the town health officer. Tenants appealed to this Court.

Tenants' pro se appellate brief sets forth the following claims of error: "Counterclaims for compensation for repairs made by Appellants were not addressed by the Court; the Health Officer's Report was presented as evidence by Appellants and clearly states property is not uninhabitable, which was Judge Bryan's base for his decision to grant eviction; requested injunctive relief was not given." The party claiming error in the trial court has the burden "to produce a record which supports [the party's] position on the issues raised on appeal." Condosta v. Condosta, 142 Vt. 117, 121 (1982). In addition, the appellant's brief must provide an argument explaining the issues and how they were preserved, the basis for the claimed error, and citations to the record and to relevant legal authority supporting the appellant's claims. See V.R.A.P. 28(a)(4) (appellant's argument "shall contain the issues presented, how the issues were preserved, the contentions . . . and the reasons therefor, with citations to authorities, statutes, and parts of the record relied on"). We consider briefs not meeting that standard to be so inadequate as to prevent appellate review. See Tallarico v. Brett, 137 Vt. 52, 61 (1979) (the Court is not required to, and thus will not, search for claimed error where it is inadequately briefed, unsupported by argument or not pointed out in the record). Tenants in this case did not present us with a record or brief sufficient to allow review of their claims on appeal.

Tenants did not provide a copy of the transcript of the hearing which contains the court's findings. Thus, as to tenants'

first claim of error, we do not know whether (1) the trial court in fact failed to address their counterclaim for compensation for repairs, (2) tenants failed to produce evidence to support the claim or (3) tenants otherwise abandoned the claim at the merits hearing. Similarly, we do not know whether the Health Officer's Report was in fact admitted into evidence or what the trial court found relative to the Report. In the absence of the trial court's findings, we have no way of knowing why the court reached its conclusion regarding the habitability of the premises. As to tenants' claim that their request for injunctive relief was not granted, tenants' brief does not provide any explanation regarding what injunctive relief they sought, the basis for the court's alleged refusal to grant it, or why the alleged refusal was erroneous. In sum, tenants did not present us with any claim which is susceptible to appellate review. Accordingly, the trial court's judgment is affirmed.

Affirmed.

BY THE COURT:

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Jeffrey L. Amestoy, Chief Justice

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John A. Dooley, Associate Justice

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James L. Morse, Associate Justice