

Note: In the case title, an asterisk () indicates an appellant and a double asterisk (**) indicates a cross-appellant. Decisions of a three-justice panel are not to be considered as precedent before any tribunal.*

ENTRY ORDER

SUPREME COURT DOCKET NO. 2020-160

JANUARY TERM, 2021

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|--------------------------------------|---|--------------------------------|
| Anthony D. Smith* v. Edwin Mortensen | } | APPEALED FROM: |
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| | } | Superior Court, Windham Unit, |
| | } | Civil Division |
| | } | |
| | } | DOCKET NO. 20-ST-00019 |
| | | |
| | | Trial Judge: John R. Treadwell |

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

Plaintiff appeals pro se from the trial court’s denial of his request for a stalking order under 12 V.S.A. § 5134. We affirm.

Plaintiff sought relief in May 2020. He alleged that his neighbor “made a motion to drive into [plaintiff] and his car,” swore at plaintiff, and allowed his dog to act aggressively toward plaintiff. The court denied plaintiff’s request for emergency ex parte relief. It explained that it could not discern from the information in plaintiff’s affidavit whether the car incident presented a “true threat.” It had no information as to when the remaining incidents were alleged to have occurred or the context in which they arose and it similarly could not determine if they involved “true threats.” The court found no basis for granting emergency relief. Following a hearing, the court denied the request for reasons stated on the record. This appeal followed.

Plaintiff raises no claim of error with respect to the court’s decision beyond asserting that the court failed him. It is plaintiff’s burden to “demonstrate how the lower court erred warranting reversal” and we “will not comb the record searching for error.” In re S.B.L., 150 Vt. 294, 297 (1988).

We further note that plaintiff did not order a transcript of the hearing and thereby “waive[d] the right to raise any issue for which a transcript is necessary for informed appellate review.” V.R.A.P. 10(b)(1); In re S.B.L., 150 Vt. at 307-08 (explaining that appellant bears consequences

of failing to order transcript and without transcript Supreme Court assumes that evidence supports trial court's findings). We find no basis to disturb the trial court's decision.

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

Beth Robinson, Associate Justice

Harold E. Eaton, Jr., Associate Justice