



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

MAY TERM, 2022

Dorothy Aarseth v. Kimberly Clark* } APPEALED FROM:
} Superior Court, Chittenden Unit,
} Civil Division
} CASE NO. 21-ST-00732
} Trial Judge: Samuel Hoar, Jr.

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

Defendant appeals pro se from the issuance of an anti-stalking order against her. We affirm.

Plaintiff sought relief under 12 V.S.A. § 5133 in August 2021. She alleged that defendant was stalking her by taking pictures of her, following her onto the bus, and similar activities. Plaintiff stated that she was afraid and intimidated by defendant's behavior. The court granted temporary relief to plaintiff. At the close of the final hearing, it made findings on the record. The court then issued a final relief-from-stalking order, effective for one year, finding that defendant followed, monitored, or surveilled plaintiff. This appeal followed.

Defendant argues on appeal that the court erred in crediting plaintiff's testimony. She complains that plaintiff has called the police about her behavior following the issuance of the final order.

We find no basis to disturb the court's decision. First, defendant did not order a transcript of the final hearing. Without a transcript, we must assume that the trial court's findings are supported by sufficient evidence. See V.R.A.P. 10(b)(1) ("By failing to order a transcript, the appellant waives the right to raise any issue for which a transcript is necessary for informed appellate review."); *In re S.B.L.*, 150 Vt. 294, 307 (1988) (explaining that appellant bears consequences of failing to order transcript and without transcript Supreme Court assumes that evidence supports trial court's findings). In any event, this Court does not assess credibility or weigh the evidence on appeal. We leave that to the trial court as the factfinder. *Cabot v. Cabot*, 166 Vt. 485, 497 (1997) ("As the trier of fact, it [is] the province of the trial court to determine the credibility of the witnesses and weigh the persuasiveness of the evidence."). Any actions that post-dated the trial court's decision are not properly before us in this appeal and, even if they were, they would not demonstrate that the court erred in reaching its conclusion.

Affirmed.

BY THE COURT:

Paul L. Reiber, Chief Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice