

MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



APPELLANTS PRO SE

Daniel C. Wood
Jalissa D. Barley
Bloomington, Indiana

IN THE COURT OF APPEALS OF INDIANA

Daniel C. Wood and Jalissa D.
Barley,
Appellants-Defendants,

v.

Michael Stryzinski,
Appellee-Plaintiff.

November 30, 2021

Court of Appeals Case No.
21A-SC-505

Appeal from the Knox Superior
Court

The Honorable Brian M. Johnson,
Judge

Trial Court Cause No.
42D02-1911-SC-1394

Najam, Judge.

Statement of the Case

- [1] Daniel C. Wood and Jalissa D. Barley (“the Appellants”) appeal the small claims court’s judgment for Michael Stryzinski on Stryzinski’s complaint for

eviction. The Appellants raise four issues for our review, which we consolidate and restate as whether the Appellants have met their burden to make a *prima facie* showing of reversible error. We affirm.

Facts and Procedural History

- [2] As discussed further below, the facts presented on appeal are limited. On November 18, 2019, Stryzinski filed his complaint for eviction against the Appellants. The court held an eviction hearing on November 20 and found for Stryzinski. The court then set the matter for a damages hearing. After numerous continuances, in February of 2021 the court held the evidentiary hearing on damages and ordered the Appellants to pay to Stryzinski \$599.23 in damages and an additional \$135 in court costs. This appeal ensued.

Discussion and Decision

- [3] The Appellants appeal the small claims court's award of damages and costs to Stryzinski. We initially note the Appellants proceed *pro se*. "It is well settled that pro se litigants are held to the same legal standards as licensed attorneys. This means that pro se litigants are bound to follow the established rules of procedure and must be prepared to accept the consequences of their failure to do so." *Basic v. Amouri*, 58 N.E.3d 980, 983-84 (Ind. Ct. App. 2016) (internal citation omitted). Further, Stryzinski has not filed an appellee's brief. When an appellee does not file a brief, our court will not undertake the burden of developing arguments on that party's behalf. *Thurman v. Thurman*, 777 N.E.2d 41, 42 (Ind. Ct. App. 2002). Rather, we apply "a less stringent standard of

review” and may reverse the trial court if the Appellants establish *prima facie* error. *Id.* *Prima facie* “means at first sight, or on first appearance, or on the face of it.” *Id.*

[4] However, the Appellants have not met even the low burden of *prima facie* error. Indiana Appellate Rule 50(A)(2) states that an appellant’s appendix

shall contain . . . copies of the following documents, if they exist:

(a) the [CCS] . . . ;

(b) the appealed judgment or order . . . ;

* * *

(f) pleadings and other documents . . . that are necessary for resolution of the issues raised on appeal;

(g) any other short excerpts from the Record on Appeal, . . . such as essential portions of a contract or pertinent pictures, that are important to a consideration of the issues raised on appeal;

(h) any record material relied on in the brief unless the material is already included in the Transcript

[5] The Appellants have not complied with Indiana Appellate Rule 50. The Appellants’ appendix consists of only the following documents, spread out across three volumes: the CCS; the order on appeal, which is a form order; an

annotated version of the Appellants' lease with Stryzinski; select receipts that were handwritten by the Appellants; and a tax receipt for the property at issue.

[6] The small claims court's judgment, while on a form order, states that the court entered judgment for Stryzinski following an evidentiary hearing at which the parties each presented evidence. However, there is no Transcript of that hearing in the Record on Appeal, as the Appellants did not request the small claims court to produce a Transcript in their Notice of Appeal. The Appellants did not supplement that omission by including essential record material in their Appendix in accordance with Appellate Rule 50(A)(2)(h). The Appendix also omits the complaint for eviction and the evidence submitted by Stryzinski to the small claims court, contrary to Appellate Rules 50(A)(2)(f) and (g). Further, the annotated lease and several of the handwritten receipts that the Appellants did include in the Appendix do not show that they were marked as exhibits that were submitted to the small claims court, and the Appellants have not directed us to record materials that show that those documents were submitted to the court.

[7] The Appellants' entire argument on appeal is that the small claims court's judgment is not supported by the evidence. However, due to the Appellants' omissions and failure to submit a proper Record on Appeal, we cannot begin to evaluate the merits of that argument. Therefore, we hold that the Appellants have not met their burden to make a *prima facie* showing of reversible error, and we affirm the small claims court's judgment.

[8] Affirmed.

Vaidik, J., and Weissmann, J., concur.