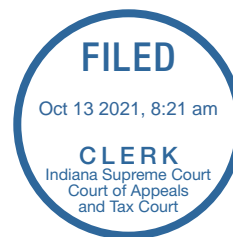


MEMORANDUM DECISION

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.



APPELLANT *PRO SE*

Roosevelt Smith
Noblesville, Indiana

IN THE COURT OF APPEALS OF INDIANA

Roosevelt Smith,
Appellant-Defendant,

v.

Rush Staffing,
Appellee-Plaintiff.

October 13, 2021

Court of Appeals Case No.
21A-PL-1612

Appeal from the Madison Circuit
Court

The Honorable David A. Happe,
Judge

Trial Court Cause No.
48C04-2101-PL-14

Bradford, Chief Judge.

Case Summary

- [1] Roosevelt Smith appeals the trial court’s judgment in favor of Rush Staffing. We affirm.

Facts and Procedural History

- [2] At some point, Rush Staffing filed a lawsuit against Smith. On June 3, 2021, the trial court entered judgment in favor of Rush Staffing in the amount of \$8963.67 plus costs.¹

Discussion and Decision

- [3] At the outset, we note that Smith has chosen to proceed *pro se*.

The law is well-settled that *pro se* litigants are held to the same legal standards as licensed attorneys. *Basic v. Amouri*, 58 N.E.3d 980, 983 (Ind. Ct. App. 2016). “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.” *Id.* at 983–84. These consequences include waiver for failure to present cogent arguments on appeal. *Id.* at 984. Although we prefer to decide issues on the merits, where the appellant’s noncompliance with the rules of appellate procedure is so substantial that it impedes our appellate consideration of the errors, we may deem the alleged errors waived. *Id.*

¹ Although Smith styles his appeal as an interlocutory appeal, he appeals following the entry of a final judgment.

Dridi v. Cole Kline LLC, 172 N.E.3d 361, 364 (Ind. Ct. App. 2021).

[4] In challenging the trial court’s judgment, Smith contends that the trial court erred in denying a request for a continuance that he allegedly filed at some point during the underlying proceedings. However, our review is hampered by the fact that Smith has failed to comply with the requirements of Indiana Appellate Rule 46. “The purpose of our appellate rules, Ind[iana] Appellate Rule 46 in particular, is to aid and expedite review and to relieve the appellate court of the burden of searching the record and briefing the case.” *Id.* (quoting *Ramsey v. Rev. Bd. of Ind. Dep’t of Workforce Dev.*, 789 N.E.2d 486, 487 (Ind. Ct. App. 2003)). “We will not become an advocate for a party, nor will we address arguments which are either inappropriate, too poorly developed or improperly expressed to be understood.” *Ramsey*, 789 N.E.2d at 487 (quoting *Terpstra v. Farmers & Merch. Bank*, 483 N.E.2d 749, 754 (Ind. Ct. App. 1985)).

[5] Appellate Rule 46(6)(a) provides that the statement of facts contained in an appellate brief “shall be supported by page references to the Record on Appeal or Appendix in accordance with Rule 22(C). Likewise, Appellate Rule 46(8)(a) provides that the argument section of an appellate brief “must contain the contentions of the appellant on the issues presented ... [and e]ach contention must be supported by citations to the authorities, statutes, and the Appendix or parts of the Record on Appeal relied on in accordance with Rule 22.” A party waives an issue where the party fails to provide adequate citation to authority and portions of the record. *Dridi*, 172 N.E.3d at 365; *see also Pierce v. State*, 29 N.E.3d 1258, 1267 (Ind. 2015) (“A litigant who fails to support his arguments

with appropriate citations to legal authority and record evidence waives those arguments for our review.”).

[6] Smith has not filed a record of the trial court proceedings on appeal, failing to file an appellate appendix, a transcript, or any exhibits that may have been submitted before the trial court. As such, neither his statement of facts nor his argument section is supported by any citations to the appendix or trial record. Smith’s failure to provide any citation to the trial court record impedes our ability to provide meaningful appellate review of any of his apparent issues. He complains that the trial court allegedly abused its discretion by denying his motion for a continuance. However, given that we have no record of anything that happened before the trial court apart from the order memorializing the trial court’s final judgment, we are unable to review the merits of Smith’s arguments on appeal. We are therefore compelled to conclude that the arguments raised are waived. *See Dridi*, 172 N.E.3d at 366 (holding that the appellant’s substantial noncompliance with the appellate rules resulted in waiver of his issues on appeal); *see also Ramsey*, 789 N.E.2d at 490 (same).

[7] The judgment of the trial court is affirmed.

Robb, J., and Altice, J., concur.