MEMORANDUM DECISION

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FILED
Apr 25 2024, 9:14 am
CLERK
Indiana Supreme Court
Court of Appeals
and Tax Court

IN THE
Court of Appeals of Indiana

Darrell Laray Jones,
Appellant-Petitioner

v.

Chastity Alexis Tramell,
Appellee-Respondent

April 25, 2024

Court of Appeals Case No.
23A-JP-2749

Appeal from the Marion Superior Court

The Honorable Melanie Kendrick

Trial Court Cause No.
49D22-1903-JP-10912

Memorandum Decision by Judge Vaidik
Judges May and Kenworthy concur.

Vaidik, Judge.

[1] This is a paternity case involving Darrell Laray Jones ("Father"), Chastity Alexis Tramell ("Mother"), and their young child, K.J. On November 9, 2023, the trial court held a hearing—which Father didn't attend—and then issued an order that, among other things, awarded sole legal and physical custody to Mother, awarded supervised parenting time to Father, and directed Father to pay child support of $168 per week plus an arrearage of $31,775. Father, acting pro se, now appeals.

[2] Mother contends that Father waived his arguments by failing to comply with the Indiana Rules of Appellate Procedure. We agree. Father's brief doesn't include a statement of issues, a statement of facts, a summary of argument, or a standard of review, as required by Appellate Rule 46(A)(4), (6), (7), and (8). There are no citations to the record on appeal or to legal authority, as required by Appellate Rule 46(A)(5), (6), and (8). Most importantly, Father's contentions—to the extent he has offered any–aren't supported by cogent reasoning as required by Appellate Rule 46(A)(8)(a). Rather, his brief seems to be a rundown of the testimony and arguments he **would have** presented if he had appeared at the hearing in November 2023. *See, e.g.,* Appellant's Br. p. 9 ("The appellant wishes to challenge certain statements made in the transcript and draw attention to the possibility that the appellee's legal defense summary testimony may have influenced the summary testimony of the Guardian ad litem and even affected the lower court's ruling."). But an appeal isn't a second bite at the apple. Our role is to review the record as presented to the trial court

to determine whether any error was committed. We can't consider additional evidence or issues that weren't presented below. *Israel v. Israel*, 189 N.E.2d 170, 177 (Ind. Ct. App. 2022) ("[A]n issue raised by an appellant for the first time on appeal is waived."), *reh'g denied*, *trans. denied*; *Saler v. Irick*, 800 N.E.2d 960, 970 n.7 (Ind. Ct. App. 2003) ("[N]ew evidence may not be submitted to the court for the first time upon appeal.").

[3] Given the lack of cogent argument and the other significant rule violations, Father has waived appellate review. *See Perry v. Anonymous Physician 1*, 25 N.E.3d 103, 105 n.1 (Ind. Ct. App. 2014) ("While we prefer to decide cases on their merits, alleged errors are waived where an appellant's noncompliance with the rules of appellate procedure is so substantial it impedes our appellate consideration of the errors."), *trans. denied*. We therefore affirm the trial court's order.

[4] Affirmed.

May, J., and Kenworthy, J., concur.

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