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.

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IN THE COURT OF APPEALS OF INDIANA

Martha S. Wright, Charles W. Wright, Brittany A. Shuman, John S. Free, and Michelle Shuman,

Appellants-Petitioners,

v.

Crawford County Indiana Circuit Court Judge Sabrina Bell-Goerss, Crawford County Department of Child Services Lisa Smith, Crawford County Department of Child Services Jessica Collins-Albarez, and Crawford County Clerk Lisa Holzbog,

August 17, 2021

Court of Appeals Case No. 21A-MI-428

Appeal from the Crawford Circuit Court

The Honorable Sabrina R. Bell-Goerss, Judge

Trial Court Cause No. 13C01-2012-MI-31

Appellees-Respondents

Crone, Judge.

Case Summary

[1] In this pro se appeal, Martha S. Wright and her husband Charles W. Wright challenge the dismissal of their action for injunctive relief against the Crawford County Circuit Court Judge Sabrina Bell-Goerss, Crawford County Department of Child Services (DCS), DCS caseworkers Lisa Smith and Jessica Collins-Albarez, Crawford County Clerk Lisa Holzbog, Michelle D. Shuman, Brittany A. Shuman, and John S. Free.[1] Finding that the Wrights have failed to present cogent argument as required by our rules of appellate procedure, we affirm the dismissal.

Facts and Procedural History

[2] As best we can discern, the underlying facts are as follows. The Wrights are the maternal great-grandparents of two children (the Children) who were alleged to be children in need of services (CHINS). The Children's parents, Brittany and

[1] Michelle Shuman (now deceased) was the Wrights' daughter; Brittany Shuman is their granddaughter; and John Free is the father of their great-grandchildren. The Wrights included these family members as named *respondents* below, but as the proceedings progressed, the family members began joining in the Wrights' filings. They now are co-signatories on the Wrights' joint notice of appeal. *See* Notice of Appeal at 1-2, 4. Apparently, Brittany and John are participating as joint appellants in this pro se appeal and, in so doing, appear to have "switched sides." For simplicity's sake, we refer to the Wrights, Brittany, and John, collectively, as the Wrights.

John, admitted to the CHINS allegations. At some point, the Children were placed in the care of Michelle, their maternal grandmother, who lived next door to the Wrights. The Wrights twice sought to intervene in the CHINS proceedings but were unsuccessful.

[3] The presiding judge in the CHINS action was Judge Bell-Goerss (the Judge), whom the Wrights had referred for disciplinary action, seeking her disbarment for an unrelated incident. On December 11, 2020, while the CHINS causes were pending, the Wrights filed the underlying action for emergency injunctive relief, incorporating by reference all documents from the CHINS causes and claiming that DCS caseworkers Smith and Collins-Albarez had "barged into the home using tactics of extreme duress and threats to remove by force, the [Children,] if not allowed." Appellants' App. Vol. 2 at 8. In their petition, the Wrights characterized the actions of the DCS caseworkers and the Judge as "life threatening, dangerous, reckless, unreasonable, unwanted, unwelcomed intrusions …. [that bring into] questions [sic], their qualifications and their ability to properly carry out the duty of the positions they hold." *Id*. at 9. They demanded that DCS's unwelcome intrusions be stopped and that the Judge recuse herself and appoint a special judge from outside the county to grant them expedited relief. *Id*.

[4] The Judge did not recuse herself and instead issued an order dismissing the action for failure to state a claim upon which relief could be granted. The Wrights filed an objection to the trial court's dismissal and a motion to correct error, which were deemed denied. They now appeal the dismissal.

Discussion and Decision

[5] The Wrights contend that the Judge erred in dismissing their action for injunctive relief. At the outset, we note that they have proceeded pro se, both below and on appeal. It is well settled that pro se litigants are held to the same legal standards as licensed attorneys. *Twin Lakes Reg'l Sewer Dist. v. Teumer*, 992 N.E.2d 744, 747 (Ind. Ct. App. 2013). "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). "These consequences include waiver for failure to present cogent argument on appeal." *Id*. at 984.

[6] Despite our preference for deciding issues on the merits, we may deem alleged errors waived where the appellants' noncompliance with appellate rules is so egregious as to impede our consideration of the issues. *Id*. "We will not become an 'advocate for a party, or address arguments that are inappropriate or too poorly developed or expressed to be understood.'" *Id*. (quoting *Perry v. Anonymous Physician 1*, 25 N.E.3d 103, 105 n.1 (Ind. Ct. App. 2014), *trans. denied* (2015), *cert. denied*).

[7] Indiana Appellate Rule 46(A)(8) lists the requirements for the argument section of an appellant's brief, stating in pertinent part,

> (8) Argument. This section shall contain the appellant's contentions why the trial court or Administrative Agency committed reversible error.

> (a) The argument must contain the contentions of the appellant on the issues presented, supported by cogent reasoning. Each 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.
>
> (b) The argument must include for each issue a concise statement of the applicable standard of review; this statement may appear in the discussion of each issue or under a separate heading placed before the discussion of the issues. In addition, the argument must include a brief statement of the procedural and substantive facts necessary for consideration of the issues presented on appeal, including a statement of how the issues relevant to the appeal were raised and resolved by any Administrative Agency or trial court.

[8] The argument section of the Wrights' brief comprises one two-sentence paragraph under the heading "SUMMARY OF THE ARGUMENTS/ARGUMENT," which reads in its entirety,

> **"In the interests of justice"** (emphases added), Martha and Charles Wright, Brittany Shuman and John Free, Appellants have been denied due process (14th Amendment, US Constitution), suffering mental anguish from the unreasonable and dangerous actions of Judge Sabrina Bell-Goerss, Lisa Smith, Jessica Collins-Albarze [sic], Crawford County Dept. Child Services, and compelled to file this appeal, and in hopes to obtain **"Impartiality and Fairness"** under law. That this court's sound reasoning, judgement and review of the facts and evidence should render ruling and judgement in sync with Appellants [sic] Conclusion.

Appellants' Br. at 9-10.

[9] The Wrights' brief is deficient in several respects. First, the Wrights challenge the dismissal of their action for failure to state a claim upon which relief may be granted but have failed to include the appropriate standard of review for cases challenging Trial Rule 12(B)(6) dismissals. Second, as the party with the burden of establishing error on appeal, they are required to cite pertinent authority and develop coherent arguments in support of their positions; however, other than their brief reference to the Fourteenth Amendment, they have provided no citations to authorities, rules, statutes, or the record on appeal and have failed even to address the issues that they listed earlier in their brief. *See id*. at 6-7 (statement of issues section listing six issues). Instead, they make a general, unsupported assertion that they were denied due process based on the "unreasonable and dangerous actions" of the Judge and DCS caseworkers. *Id*. at 9. Third, to the extent that we were able to locate a discernible (albeit undeveloped) argument, it was, by and large, included in sections of the brief that prohibit argument: the statement of the case and the statement of the facts. *See* Ind. Appellate Rule 46(A)(5) (statement of case lays out relevant procedural posture of case); *see also* Ind. Appellate Rule 46(A)(6) (statement of facts is limited to narrative of relevant facts in accordance with appropriate standard of review); *see also New v. Pers. Representative of Estate of New*, 938 N.E.2d 758, 765 (Ind. Ct. App. 2010) (statement of facts section of appellant's brief shall neither omit relevant facts nor contain subjective argument), *trans. denied* (2011). The Wrights' arguments are utterly undeveloped.

[10] In sum, the Wrights proceeded pro se and were bound to follow our rules of appellate procedure. They have failed to do so and have not developed cogent argument to support any of their assertions of error.[2] As such, they have waived review of their issues. *Basic*, 58 N.E.3d at 985. Accordingly, we affirm the dismissal of their action.

[11] Affirmed.

Bailey, J., and Pyle, J., concur.

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[2] The Wrights' brief and court filings are unnecessarily hostile in tone. For example, they allege that the Judge, "by and through her armed-agents [DCS] … after dark seized/kidnapped" the Children and that the Judge "embarrassed the entire Indiana Judiciary [and] brought 'further' shame and embarrassment upon Crawford County [in an unrelated matter and] 'retaliated, created and injected' herself [and DCS] into their 'instant lower court case[.]'" Appellants' Br. at 8. "[A] brief cannot 'be used as a vehicle for the conveyance of hatred, contempt, insult, disrespect, or profession[al] discourtesy of any nature for the court of review, trial judge, or opposing counsel.'" *Basic*, 58 N.E.3d at 985 (quoting *Cochran v. Cochran*, 717 N.E.2d 892, 895 n.3 (Ind. Ct. App. 1999), *trans. denied* (2000)). We admonish the Wrights that "[i]nvectives … have no place in legal discussion." *Id.* at 985 (quoting *Brill v. Regent Commc'ns, Inc.*, 12 N.E.3d 299, 301 n.3 (Ind. Ct. App. 2014), *trans. denied*)).