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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Placer)

In re the Marriage of TERRY and
CYNTHIA WILLIAMS.

TERRY WILLIAMS,

Respondent,

v.

CYNTHIA SIEKER,

Appellant.

C066708

(Super. Ct. No. S-DR-0027171)

Cynthia (Williams) Sieker (Wife) appeals, in propria persona, from a court order reducing her monthly spousal support from \$2,500 per month to \$500 per month. Wife’s brief is rambling, irrelevant and largely unintelligible. What we can discern from her brief is that Wife is unhappy with several orders of the trial court. As an initial matter, we note that a notice of appeal must be filed on or before 180 days after entry of the order appealed from. (Cal. Rules of Court, rule 8.104(a)(3).) Wife’s notice of appeal was filed on November 3,

2010. Accordingly, Wife's appeal is timely only as to orders issued on or after May 7, 2010.

The record on appeal reflects that only three orders were issued by the court on or after May 7, 2010; all of them related to the hearing on Terry Williams's (Husband) motion to modify spousal support, heard on July 20, 2010.¹ Those orders made prior to May 7, 2010, are final and are not subject to challenge on appeal.

The appellate record does not include a reporter's transcript of the hearing in this matter.² This is referred to as a "judgment roll" appeal. (*Allen v. Toten* (1985) 172 Cal.App.3d 1079, 1082-1083 (*Allen*); *Krueger v. Bank of America* (1983) 145 Cal.App.3d 204, 207.)

The limited record we have establishes that, following a trial in January 2009, the trial court ordered Husband to pay to Wife \$2,500 in "temporary" spousal support each month, beginning February 24, 2009. The court further ruled that Husband owed to Wife \$5,500 in spousal arrears through January 2009. The court calculated the amount of arrears, taking into account the period of time during which Wife was incarcerated and not entitled to spousal support.

¹ Husband filed no respondent's brief in this appeal.

² The minutes of the July 20, 2010 hearing indicate "No Court Reporter" was present.

In August 2009, the trial court confirmed its prior order for spousal support, confirmed a further trial date, and indicated the amount of spousal support arrears would be confirmed at the upcoming court date. The court subsequently reserved jurisdiction over the issue of spousal support and ordered the parties to use their best efforts to find employment.

In October 2009, the matter was transferred from the Roseville court to the Tahoe City court in Placer County. The following month, the court imposed \$150 in sanctions on Wife. The following Spring, the matter was returned to the Roseville court in Placer County, where Husband's motion to terminate spousal support was to proceed.

On July 20, 2010, the court heard Husband's motion to terminate or reduce spousal support. The court reduced the amount of spousal support to \$500 per month, retroactive to November 1, 2009. The court affirmed the parties' prior stipulation, pursuant to which Wife was not entitled to spousal support during those periods when she was incarcerated.

The court also invited Wife to file a motion regarding the reduction in spousal support within 60 days of her release from custody. Wife was directed to file a declaration regarding all dates and times of her period of incarceration, and Husband was granted permission to file a motion terminating spousal support if Wife failed to file her own motion in the time allotted.

On appeal, we must presume the trial court's judgment is correct. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) Thus, we must adopt all inferences in favor of the judgment, unless the record expressly contradicts them. (See *Brewer v. Simpson* (1960) 53 Cal.2d 567, 583.)

It is the burden of the party challenging a judgment to provide an adequate record to assess claims of error. (*Ketchum v. Moses* (2001) 24 Cal.4th 1122, 1140-1141.) When an appeal is "on the judgment roll" (*Allen, supra*, 172 Cal.App.3d at pp. 1082-1083), we must conclusively presume evidence was presented that is sufficient to support the court's findings (*Ehrler v. Ehrler* (1981) 126 Cal.App.3d 147, 154 (*Ehrler*)). Our review is limited to determining whether any error "appears on the face of the record." (*National Secretarial Service, Inc. v. Froehlich* (1989) 210 Cal.App.3d 510, 521; Cal. Rules of Court, rule 8.163.)

These restrictive rules of appellate procedure apply to Wife even though she is representing herself on appeal. (*Leslie v. Board of Medical Quality Assurance* (1991) 234 Cal.App.3d 117, 121; see also *Wantuch v. Davis* (1995) 32 Cal.App.4th 786, 795; *Nelson v. Gaunt* (1981) 125 Cal.App.3d 623, 638-639.)

The only arguable request for relief we can discern regarding the July 20, 2010 order is Wife's statement that "[t]he errors constitute Trilla E. Bahrke, Temporary Judge be removed from the case and her findings off the record; thus all proceedings prior Nov. 6, 2009 and subsequent to the date of

July 20, 2010 to be removed from the record." Wife misunderstands the role of this court. We will not remove a judge from a case nor will we remove anything from the trial court's file.

To the extent Wife believes the trial court abused its discretion in reducing spousal support to \$500 per month, without a reporter's transcript of the hearing, we must presume the trial court made sufficient findings to support its decision. That is, we must presume the court found a material change of circumstances warranting a modification of the prior support order. (*In re Marriage of Farrell* (1985) 171 Cal.App.3d 695, 700.) Furthermore, we must conclusively presume the evidence was sufficient to sustain the court's findings. (*Ehrler, supra*, 126 Cal.App.3d at p. 154.) On the face of this record, we find no error; we must affirm the trial court's decision.

DISPOSITION

The judgment of the trial court (July 28, 2010 findings and order after hearing) is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278(a)(1), (2), (5).)

BUTZ, J.

We concur:

HULL, Acting P. J.

MAURO, J.