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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re Marriage of MARCUS and JULIET
BECKETT.

MARCUS RILEY BECKETT,

Appellant,

v.

JULIET SUSAN BECKETT,

Respondent.

G047356

(Super. Ct. No. 08D008249)

O P I N I O N

Appeal from a judgment and orders of the Superior Court of Orange County, Lon F. Hurwitz, Judge. Affirmed.

Marcus Riley Beckett, in pro. per.; and Donny E. Brand for Appellant.

Law Offices of Dorie A. Rogers, Dorie A. Rogers and Lisa R. McCall for Respondent.

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Appellant Marcus Riley Beckett¹ contends the trial court “abused its power” by reducing his visitation rights, permitting the admission of certain evidence, “using unfair reasoning as a basis for the judgment,” and believing his former wife instead of believing him. We affirm the judgment and orders.

I

FACTS

A September 18, 2008 request for a temporary restraining order (TRO) contains the following statement under penalty of perjury by respondent Juliet Beckett: “I filed a TRO on 8/20/08 for battery committed by [appellant], and for physical & verbal abuse when on 7/12/08 (3 days after giving birth to our son via C-Section) he blocked, tried to prevent and finally grabbed me from the back & pulled me back up the stairs while our 3 day infant was in my arms. He did so to prevent me from leaving the house after telling me to get out. I was fearful for my son & my safety.” The court ordered the parties to attend a “mediation appointment.” The parties reached a stipulation in which respondent agreed to dismiss her domestic violence action and appellant agreed to stay away from her home and not strike or threaten her. And thus began a saga which consumes many inches of court documents.

On March 26, 2010, another request for a protective order was filed by respondent. By then, the baby was 20 months old. A declaration attached to that request for order describes a visitation in which respondent and the baby got into appellant’s truck to go to lunch together. Concerned about the baby being exposed to second hand smoke because she detected a strong odor of smoke in the car, respondent requested appellant to take her back to her car so she would follow him with the baby in her car. Instead of taking her back, she says he sped up and refused to stop. At some point, he

¹ Respondent sent this court a letter and an attached copy of a November 2, 2012 minute order which states: “Court declares that [appellant] is a vexatious litigant under the code.”

pulled into a parking lot and she says when she attempted to get out, he again sped up. The police became involved and appellant was arrested for kidnapping and domestic violence. On June 22, 2010, appellant filed his own declaration, describing an entirely different version of the lunch gone wrong.

For the next two years, the matter was continued 12 times for various reasons. Respondent's request for a TRO was finally heard by the court in March 2012. Following a lengthy hearing, the court issued a TRO.

In delivering its ruling, the trial court noted that appellant has been represented by 12 different attorneys, and the court stated: “[D]omestic violence breaks down into two major categories: power and control, or anger. It’s generally one or the other.” “[T]hroughout the course of this case, throughout virtually every appearance, [appellant] has continuously exhibited an inability to accept the word no. There was not one time when this court uttered that word that [appellant] did not conditionally attempt to change the court’s mind, to change a witness’s mind, to get his way. That is a classic exhibition of power and control.” Later the court added there was “an abundance of evidence to demonstrate the exhibition of power and control and a history of power and control, and an ongoing attempt to exercise power and control on the part of [appellant].” The court explained: “This court’s duty is to protect [respondent] if there is an issue of domestic violence, but this court’s ultimate duty is the best interests of this child, and I have to be concerned about placing this child in the middle of [appellant’s] ongoing need to try and control [respondent]. I am not convinced that he has accepted that this is over. I am not convinced that he will cease his efforts to control [respondent], because he attempted to do it less than four hours ago.”

Appellant was ordered restrained for five years and the protected persons are respondent and their son. Appellant was ordered to stay at least 100 yards away from respondent, her home, her vehicle, her place of work, their son and their son’s school. Appellant was granted supervised child visitation.

II

DISCUSSION

It is not clear from what order appellant is appealing. His notice of appeal states he is appealing from a judgment or order entered on March 7, 2012. However, the trial court entered more than one order that day. On March 7, 2012, the court issued a TRO, an order that appellant attend a batterer's intervention program and the court found there were irreconcilable differences and terminated the marriage of appellant and respondent. To make his appeal even more confusing, appellant checked various boxes on the notice of appeal form, stating he was appealing, not only from a March 7, 2012 judgment or order, but also from judgment after a court trial, judgment after an order granting a summary judgment motion, judgment of dismissal under Code of Civil Procedure sections 581d, 583.250, 583.360, 583.430, judgment of dismissal after an order sustaining a demurrer and from an order after judgment under Code of Civil Procedure section 904.1, subdivision (a)(2).

In his brief, appellant first argues: “[His] 14th Amendment right was violated when the court denied due process and the opportunity for a fair trial with proper legal representation.” The March 1, 2012 court reporter's transcript reveals the hearing was scheduled to begin that morning, appellant claimed to be surprised that his lawyer was not in court, but appellant had signed a substitution of attorney, substituting out his latest lawyer on February 15, 2012. About the prospect of another continuance, respondent's counsel informed the court that respondent “is extremely concerned. She is the only person supporting this child, and if she loses her job she is back living on nothing.” The court stated: “My decision is based on the fact that this case was filed in 2008. This is a one-year marriage and the divorce has gone on for four years.” Nonetheless, the court delayed the trial until the afternoon of March 1 in order to give appellant an opportunity to contact the lawyer. The hearing proceeded at 1:30 p.m. that afternoon and appellant represented himself.

“““““Generally, power to determine when a continuance should be granted is within the discretion of the court, and there is no right to a continuance as a matter of law.””””” (*Lerma v. County of Orange* (2004) 120 Cal.App.4th 709, 714.) Appellant here has cited no authority nor has he developed any argument demonstrating the trial court abused its discretion. Under the circumstances, we find in this record that there were numerous delays over a four-year period, and appellant hired as many as 12 lawyers, the trial court was well within its discretion in denying another continuance.

Appellant next argues: “The trial court abused its power by reducing appellant’s current visitation rights.” However, the court stated: “This court will find that domestic violence has occurred within the meaning of [the] Family Code . . . in the form of the exercise of power and control, and that there is a history of a power and control issue in this case. Court will find that the moving party and the minor child were the victims. The finding that the minor child was a victim was based upon the substantiation of general neglect due to domestic violence by the Department of Child Protective Services, July 25, 2008. Court will find that [appellant] was the perpetrator and the domestic violence did not occur in self-defense.” The court properly limited appellant’s visitation. (Fam. Code, §§ 3100, subd. (b), 6323, subd. (d).) Accordingly, we find no error in the court’s visitation order.

Appellant’s third and fourth arguments are: “The court abused its power by allowing the social services report read by [social worker] to be used as testimony due to the confidentiality of the report,” and “The court abused its power by allowing the social services report to be read by both [social worker] and opposing counsel during a private and confidential testimony about a classified report.” Not only does appellant not develop either argument, the only authority he cites for his third argument is an unpublished case. Accordingly, we will not address these claims, and consider them to be waived. (*In re Michael D.* (2002) 100 Cal.App.4th 115, 127; Cal. Rules of Court, rule 8.204.)

III
DISPOSITION

The judgment and orders are affirmed. Respondent shall recover her costs on appeal.

MOORE, J.

WE CONCUR:

O'LEARY, P. J.

THOMPSON, J.