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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

CHRISTIAN HURTADO,

Plaintiff and Respondent,

v.

AMBER CHAPMAN,

Defendant and Appellant.

G052327

(Super. Ct. No. 10P000118)

O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Nathan R. Scott, Judge. Affirmed.

Amber Chapman, in pro. per., for Defendant and Appellant.

Christian Hurtado, in pro. per., for Plaintiff and Respondent.

This is a paternity case involving Christian Hurtado, Amber Chapman, and their daughter born in 2009. Christian brought the original petition in January 2010.

On April 16, 2015, the trial court made an order after trial awarding Christian sole physical custody of their daughter, subject to certain visitation rights given Amber. A formal judgment was filed on June 23 of that year, and Amber timely filed an appeal in July.

Amber, however, wasn't at the April 16, 2015 trial. On appeal she argues she did not receive notice of the trial and therefore the judgment should be reversed. Christian's own respondent's brief counters by pointing to Amber's transience over the course of the litigation.

The problem is, we don't know, on the record Amber has furnished us, whether Amber was given proper notice of the trial, or not. The register of actions, which is included in the record, reveals that there were notices of a trial setting and settlement conference sent out by the court clerk on December 12, 2014, and also on January 9, 2015. Crediting Amber's brief, our best guess is she did not receive those particular notices. But we cannot say for certain since we do not have those notices, or the accompanying proofs of service, in our record.

The only possible addresses for Amber that appear in the clerk's transcript we have been furnished are (1) for an apartment in Brea, which was used by the court clerk (though Christian appears to have filled in the address box in the form) to send Amber notice of entry of judgment on June 23, 2015, and (2) the address which Amber put on her notice of appeal, which is one in Colorado Springs, Colorado. Amber asserts in her opening brief she has never lived in Brea. However, in looking at the register of actions, we do not find any notice of change of address ever filed by Amber and we do find a number of filings by Amber over the five-year course of the litigation which would presumably have disclosed her address. So there is no way we can determine from this

record whether the address to which the notices of trial was sent *wasn't* the same as the address used by Amber in those filings.

Judgments and orders of the trial court are presumed to be correct; the burden is on appellant (here Amber) to show error. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564-565.) In this case, we do not have a record that shows Amber had a court mailing address that was different from the mailing address to which the notices of trial setting and settlement conferences were sent. We therefore cannot conclude there was any error.

The judgment is affirmed.

BEDSWORTH, ACTING P. J.

WE CONCUR:

ARONSON, J.

THOMPSON, J.