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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APPELLANT *PRO SE*:

JENNIFER G. CURTS
Fishers, Indiana

IN THE
COURT OF APPEALS OF INDIANA

JENNIFER CURTS,	)	
	)	
Appellant-Petitioner,	)	
	)	
vs.	)	No. 29A02-1010-DR-1138
	)	
DAVID CURTS,	)	
	)	
Appellee-Respondent.	)	

APPEAL FROM THE HAMILTON SUPERIOR COURT
The Honorable Gail Z. Bardach, Judge
Cause No. 29D06-0403-DR-248

August 9, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

BRADFORD, Judge

Appellant-Petitioner Jennifer Curts raises numerous claims on appeal. Concluding that Curts has failed to present a cogent argument with respect to any of her claims on appeal, we affirm.

FACTS AND PROCEDURAL HISTORY

According to Jennifer, her marriage to Appellee-Respondent David Curts was dissolved on December 20, 2004. One child, A.C., was born during the course of the parties' marriage. Upon dissolution, the parties agreed to share joint custody of A.C., with Jennifer having primary physical custody. The custody arrangement was subsequently modified, and David was awarded sole custody over A.C. on October 7, 2005. Litigation ensued, and this appeal follows.

DISCUSSION AND DECISION

Initially we note that David did not file an appellee's brief. When an appellee fails to submit a brief, we do not undertake the burden of developing arguments for him, and we apply a less stringent standard of review with respect to showings of reversible error. *Zoller v. Zoller*, 858 N.E.2d 124, 126 (Ind. Ct. App. 2006). That is, we may reverse if the appellant establishes *prima facie* error, which is an error at first sight, on first appearance, or on the face of it. *Id.*

Jennifer raises numerous issues on appeal, but has wholly failed to present any argument supported by cogent reasoning or citations to relevant authorities, statutes, or parts of the record as required by Indiana Appellate Rule 46(A)(8)(a).

> "While we prefer to decide cases on their merits, we will deem alleged errors waived where an appellant's noncompliance with the rules of appellate

> procedure is so substantial it impedes our appellate consideration of the errors." *Thacker v. Wentzel*, 797 N.E.2d 342, 345 (Ind. Ct. App. 2003). The purpose of the appellate rules, especially Ind. Appellate Rule 46, is to aid and expedite review, as well as to relieve the appellate court of the burden of searching the record and briefing the case. *Id*. Ind. Appellate Rule 46(A)(8)(a) states that the argument section of an appellant's brief "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...." It is well settled that we will not consider an appellant's assertion on appeal when he has failed to present cogent argument supported by authority and references to the record as required by the rules. *Thacker*, 797 N.E.2d at 345. If we were to address such arguments, we would be forced to abdicate our role as an impartial tribunal and would instead become an advocate for one of the parties. This, clearly, we cannot do. *See id*.

Shepherd v. Truex, 819 N.E.2d 457, 463 (Ind. Ct. App. 2004).

Here, Jennifer's non-compliance with our appellate rules of procedure is substantial, permeates her entire brief, and precludes our review of her allegation of error on appeal.[1] Therefore, we will not consider Jennifer's assertions on appeal, and accordingly conclude that Jennifer has waived the issues raised on appeal.

The judgment of the trial court is affirmed.

ROBB, C.J., and BARNES, J., concur.

[1] We note that Jennifer cited to this court's opinion in *Shelton v. Shelton*, 835 N.E.2d 513 (Ind. Ct. App. 2005), *summarily affirmed by* 840 N.E.2d 835 (Ind. 2006). However, Jennifer provided no argument relating to this case or explained how this court's conclusion in *Shelton* applied to the instant matter.