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

MICHAEL HAVISON,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 02A04-0903-CV-152
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable Marcia L. Linsky, Magistrate
Cause No. 02D04-0812-IF-21421

August 28, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

MAY, Judge

Michael Havison appeals his citation for a traffic violation. We dismiss his appeal.

FACTS AND PROCEDURAL HISTORY

Havison has not provided a transcript of the trial court proceedings. The following facts were determined from the ticket included in his appendix. On October 25, 2008 at 9:20 a.m., State Trooper Dan Taylor stopped Havison at the intersection of Airport Expressway and Smith Road in Fort Wayne. Trooper Taylor issued a traffic citation because Havison was traveling sixty-eight miles per hour, which was thirteen miles per hour over the speed limit. *See* Ind. Code § 9-21-5-2 (establishing maximum speed limits).

Havison contested the ticket, and a bench trial was held on March 5, 2009. The trial court found in favor of the State.

DISCUSSION AND DECISION

Havison attacks his infraction on two grounds: (1) Trooper Taylor did not follow instructions for operating the radar because he used it near an airport radar tower, which may have produced a false reading; and (2) Trooper Taylor calibrated his radar only once on October 25, when he should have done so three times.

The State argues Havison has waived his arguments because he did not provide a transcript of his trial. The State cites *Titone v. State*, 882 N.E.2d 219 (Ind. Ct. App. 2008). Titone was charged with child seduction, sexual battery, obstruction of justice, and attempted obstruction of justice. He was convicted only of attempted obstruction of justice. On appeal, he requested only the portions of the transcript that he felt were

relevant to attempted obstruction of justice. We dismissed his appeal because, without the entire transcript, there was no way for us to determine whether there was other relevant evidence favorable to the verdict. *Id*. at 222. Titone did not meet his obligation of presenting a sufficient record for us to fairly decide his appeal; therefore, we found his arguments waived and dismissed his appeal. *Id*. at 223.

In his appendix, Havison has included documents purporting to be an operator's manual for the Python III Traffic Radar and an instruction manual published by the National Highway Traffic Safety Administration titled "Basic Training Program in RADAR Speed Measurement." Both state false readings can be caused by airport radar towers. Havison also included maps that show the intersection where he was stopped was near the Fort Wayne International Airport and purport to show the intersection was half a mile from a radar tower.

Without the entire record, we cannot determine that these documents establish Trooper Taylor did not properly use his radar. For example, we cannot determine whether these documents were admitted at trial,[1] whether half a mile is sufficiently close to cause interference, whether the State introduced any evidence contradicting the materials contained in the appendix, or whether there was other evidence of Havison's speed.

For similar reasons, we cannot determine whether Trooper Taylor failed to calibrate his radar. Moreover, the "Radar Calibration Log" in Havison's appendix tends

[1] The chronological case summary entry for the date of the trial states Havison rested without presenting evidence. In his brief, Havison asserts that on March 12, 2009, he asked the trial court to correct that entry to reflect that he presented evidence. His appendix includes a copy of the motion, but it is not file stamped, and the chronological case summary does not reflect that it was filed.

to show that Trooper Taylor *did* calibrate the radar. (Appellant's App. at 127.) The log has columns for "beginning of shift," "middle of shift," and "end of shift." (*Id.*) For October 25, the respective times for each of those categories were 7:00 a.m., 11:30 a.m., and 2:30 p.m. Trooper Taylor calibrated the radar at 7:00 a.m., but not at 11:30 a.m. or 2:30 a.m. However, the traffic stop occurred at 9:20 a.m., which was after Trooper Taylor calibrated the radar and before it was due for a second calibration.

As in *Titone*, Havison has not met his obligation to present a sufficient record for us to fairly decide his appeal; therefore, we dismiss his appeal.

Dismissed.

BAKER, C.J., and BARNES, J., concur.