

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
Assigned on Briefs July 07, 2015

LARRY STEELE v. ELIZABETH JONES

**Appeal from the Circuit Court for Sumner County
No. 2013CV1178 Jane W. Wheatcraft, Judge**

No. M2014-01289-COA-R3-CV – Filed February 24, 2016

This appeal arises out of suit brought to recover possession of a dog; the party which brought the suit has appealed to this court. The document filed by the Appellant fails to comply with Rule 27 of the Tennessee Rules of Appellate Procedure and renders this Court unable to review the resolution of the case in the trial court. We therefore affirm the judgment of the circuit court.

Tenn. R. App. P. 3 Appeal as of Right; Judgment of the Circuit Court Affirmed

RICHARD H. DINKINS, J., delivered the opinion of the court, in which FRANK G. CLEMENT, JR., P. J., M. S., and W. NEAL MCBRAYER, J. joined.

Larry Steele, Gallatin, Tennessee, Pro Se.

Elizabeth Jones, Hendersonville, Tennessee, Pro Se.

MEMORANDUM OPINION¹

The record in this case is sparse and the briefs of the parties do not substantially assist this court in determining the matters at issue. The record consists of the following:

¹ Tenn. R. Ct. App. 10 states:

This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated “MEMORANDUM OPINION,” shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

- A copy of a Warrant to Recover filed by Larry Steele in the Sumner County General Sessions Court on September 10, 2013, wherein he seeks to recover possession of a miniature pinscher dog from defendant, Elizabeth Jones; the case was set for trial on October 3. The warrant reflects that it was served on Ms. Jones on September 16.
- In the “Judgment” portion of the warrant, it appears that judgment for “possession of dog miniature pincher ‘Daisy’” was entered on October 3. However, the quoted language is stricken through and the word “Defendant” written above and the word “Dismiss” written below; the additional language is not dated.
- Mr. Steele’s notice of appeal from a judgment of the General Sessions Court entered on October 15.
- A handwritten “Final Order” signed by the Circuit Court Judge and entered on February 4, 2014. It reads in pertinent part as follows:

Sworn testimony was given to the facts of this case in which Judgment was found in favor of the Plaintiff Larry Steele. It is so ordered that the defendant Elizabeth Jones return possession of female min pin dog – black and tan in color born in October of 2012 along with court costs in the amount of [\\$]339.11 to the plaintiff Larry Steele to satisfy judgment in this case. Costs to Defendant.
- A Tenn. R. Civ. P. 60.02 motion filed by Ms. Jones, through counsel, to set aside a default judgment stating that she was not present at a January 28, 2014 hearing, asserting among other things that she did not have notice of Mr. Steele’s appeal of the general sessions court judgment, along with Ms. Jones’ affidavit in support of the motion.
- Order entered on April 15, 2014, setting aside the default judgment because “proper notice of appeal from General Sessions Court was not given to Defendant.”

- Order entered June 4, 2014 order stating:
 1. Defendant, Elizabeth Jones may retain possession of the dog upon payment of \$200.00 to Plaintiff, Larry Steele.
 2. Court Costs are assessed to the Plaintiff, Larry Steele for which execution may issue.
- A photocopy of a \$200 check made out to “Larry Steale [sic] & Ann Ceska” signed by Elizabeth Jones, dated June 3, 2014, and bearing the word “Daisy” in the memo line. Beneath the image of the check is the signature of Larry Steele, the handwritten date of “6/3/14,” and the signature of “Ashley West, D.C.”
- The notice appealing the June 4 order filed by Mr. Steele on July 7.

There is no transcript or a statement of the evidence in the appellate record.

The only document Mr. Steele has filed with this court is an unsigned three-page narrative which wholly fails to comply with the Tennessee Rules of Appellate Procedure. The document fails to comply with Tenn. R. App. P. 27(a) in that it fails to include a statement of the issue(s), an argument, or a conclusion stating the relief sought; the document does not refer to the record and contains no citations to legal authorities.² The document is so deficient that we cannot determine what issues he attempts to raise or where to discover the same in the record; we can only discern that he is unhappy with the circuit court’s decision.

In our consideration of this appeal, we are guided by the instruction in *Murray v. Miracle*:

[T]hus, it is impossible to tell from [his] brief what appealable issue or issues Plaintiff[] wish[es] to raise. We will not undertake to search the record and then revise Plaintiff[’s] brief in its entirety so as to create issues of claimed errors by the Trial Court when the Plaintiff[] raise no such specific claimed errors because to do so would have this Court serve as Plaintiff[’s] attorney.

² Similarly, Ms. Jones’ brief contains no citations to legal authorities or to the record to support her assertions, as required by Tenn. R. App. P. 27(b).

Murray, 457 S.W.3d 399, 403 (Tenn. Ct. App. 2014), *appeal denied* (Feb. 19, 2015).

It is incumbent upon the Appellant to comply with the Rules of Appellate Procedure, and Mr. Steele's failure to do so in this case is fatal to his appeal. His failure to comply with Tenn. R. App. P. 27 renders this Court unable to perform its function to review the action of the trial court. Accordingly, we affirm the judgment entered June 4, 2014.³

RICHARD H. DINKINS, JUDGE

³ Ms. Jones has stated "Proper ownership of one female Miniature Pinscher" as an issue for resolution in her brief on appeal. The June 4, 2014 order, which we have affirmed, allows her possession upon payment of \$200.00 to Larry Steele. She is entitled to enforce the order in accordance with applicable law for the enforcement of judgments.