

APPENDIX A

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

CHRISTINE OWENS,

Plaintiff and Appellant,

v.

MAHERSHAL SIMONET,

Defendant and Respondent.

**2d Civil No. B315204
(Super. Ct. No. D401700)
(Ventura County)**

COURT OF APPEAL - SECOND DIST.

FILED

Jun 02, 2022

DANIEL P. POTTER, Clerk

S. Claborn Deputy Clerk

Christine Owens appeals from the order dissolving a temporary restraining order (TRO) and dismissing her petition for a restraining order. She contends the trial court erred in ruling against her based on her absence at the hearing. We affirm.

FACTUAL AND PROCEDURAL BACKGROUND

Owens filed a request for a domestic violence restraining order against Mahershal Simonet. The trial court issued a TRO and ordered that it would expire at the end of the hearing scheduled for July 9, 2021. At her request, the hearing was continued to August 6, and the TRO was extended to that

date.

Owens's attorney sent her an email that stated in part: "For the August 6, 2021 hearing, if you are not going to be there, the clerk said the Judge can make a decision by ruling on the pleadings (based on everything you submitted in writing without testimony)." Owens filed several declarations.

On August 6, Simonet testified through video conferencing. Owens did not appear. The court ordered the TRO dissolved and the petition dismissed with prejudice.

DISCUSSION

Owens contends the trial court erred by dissolving the temporary restraining order and dismissing her petition after she failed to appear at the hearing. No error has been shown.

"We review an appeal from an order denying a request to renew a domestic violence restraining order for abuse of discretion." (*In re Marriage of Martindale & Ochoa* (2018) 30 Cal.App.5th 54, 59.) Likewise, the "denial of a permanent injunction . . . will not be disturbed on appeal absent a showing of a clear abuse of discretion. . . . '[T]o the extent the trial court had to review the evidence to resolve disputed factual issues, and draw inferences from the presented facts, [we] review such factual findings under a substantial evidence standard.'" (*Horsford v. Board of Trustees of California State University* (2005) 132 Cal.App.4th 359, 390.)

The TRO expired at the end of the hearing on August 6. A party seeking to extend a TRO has the burden to establish that they still have "a 'reasonable apprehension' of future abuse." (*Ritchie v. Konrad* (2004) 115 Cal.App.4th 1275, 1290.)

The only record of the August 6 hearing is the minute order. It does not state that the court's order was based on

Owens's absence at the hearing, or whether the court considered documents Owens had submitted. A court reporter was present, but Owens elected to proceed on appeal without a record of the oral proceedings.

"The trial court's order 'is presumed to be correct, and all intendments and presumptions are indulged to support it on matters as to which the record is silent. [Citation.] It is the appellant's burden to affirmatively demonstrate error.'" (*In re Marriage of Martindale & Ochoa*, *supra*, 30 Cal.App.5th 54, 59.) Because the appellate record is silent as to what evidence the trial court considered, and the reasons for its ruling, Owens has failed to demonstrate error. We must therefore affirm.

Owens additionally contends that several individuals and entities committed crimes and invites this court to investigate those alleged crimes. Because we lack the authority to conduct criminal investigations, we must decline this invitation.

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED.

TANGEMAN, J.

We concur:

GILBERT, P. J.

YEGAN, J.

William R. Redmond, Judge
Superior Court County of Ventura

Christine Owens, in pro. per., for Plaintiff and
Appellant.
No appearance for Defendant and Respondent.

APPENDIX B

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
MINUTE ORDER

CASE NO: D401700
DATE: 08/06/21

CHRISTINE OWENS VS. MAHERSHAL SIMONET
TIME: 8:30 DEPT: 34

HEARING ON REQUEST FOR DOMESTIC VIOLENCE RESTRAINING ORDER FILED
BY CHRISTINE OWENS FILED ON 06/07/21

Commissioner WILLIAM REDMOND Presiding. Clerk: JAMES BELTRAN. Court
Reporter: KATHY DE LA O.

CHRISTINE OWENS not present.

MAHERSHAL SIMONET present via Zoom.

MAHERSHAL SIMONET is sworn and testifies.

Court proceedings were conducted using Zoom video conferencing.

At 09:38 A.M., court is in session.

THE COURT FINDS/ORDERS:

No appearance by Christine Owens, moving party.

Temporary restraining order dissolved.

Petition dismissed.

Petitioner is dismissed with prejudice.

Case No: D401700 08/06/21

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA
APPELLATE DIVISION

CHRISTINE OWENS

VS.

CASE NO: D401700

MAHERSHAL SIMONET

REMITTITUR PROCESSING FORM

DATE: 08/31/22

TO APPEALS CLERK:

Judgment: ☒ Affirmed ☐ Affirmed in Part
☐ Reversed ☐ Reversed in Part ☐ Appeal Dismissed

Sentence/Judgment: ☐ Imposed ☐ Stayed Pending Appeal _____
☐ Jail ☐ Prison ☐ Work Furlough ☐ Collections
☐ Alcohol Information School ☐ Restitution ☐ Direct Work
Bail on Appeal: ☐ Set ☐ Posted _____ ☐ N/A

TO JUDGE: William Redmond Are further proceedings required? ☐ Yes ☒ No
Judge's directions to judicial assistant:

- ☐ Calendar to determine appellant's financial ability to reimburse county for appointed counsel.
- ☐ Set hearing/further proceedings in appropriate courtroom.
NOTE: If the appellant is in custody, check with judge to determine method of producing appellant and proceed accordingly.

TO JUDICIAL ASSISTANT:

Enter the Judge's directions in the minutes if further proceedings are required. Give notice to all parties.

Attach Remittitur Processing Form to the back of the Remittitur.
Locate and forward file to Records.

APPENDIX C

Court of Appeal, Second Appellate District, Division Six - No. B315204

S275429

IN THE SUPREME COURT OF CALIFORNIA

En Banc

**SUPREME COURT
FILED**

CHRISTINE OWENS, Plaintiff and Appellant,

AUG 17 2022

v.

Jorge Navarrete Clerk

MAHERSHAL SIMONET, Defendant and Respondent.

Deputy

The petition for review is denied.

CANTIL-SAKAUYE

Chief Justice