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Appendix A

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

IN RE THE MARRIAGE OF

KEELEY ANNE SMITH,
Petitioner/Appellee,

and

MICHELET MICHAEL SMITH,
Respondent/Appellant.

No. 2 CA-CV 2025-0101-FC
Filed January 20, 2026

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT
AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY
APPLICABLE RULES,
NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1);
Ariz. R. Civ. App. P. 28(a)(1), (f).

Appeal from the Superior Court in Maricopa County
No. FC2023092114

The Honorable David McDowell, Judge

AFFIRMED

Keeley Anne Smith, Mesa
In Propria Persona

Michelet Michael Smith, Mesa
In Propria Persona

MEMORANDUM DECISION

Judge O'Neil authored the decision of the Court, in which Presiding Judge Gard and Judge Eckstrom concurred.

O' N E I L, Judge:

¶1 Michelet Smith appeals from the trial court's decree dissolving his marriage to Keeley Smith. His challenges on appeal primarily stem from his contention that the court erred in permitting Keeley to change attorneys during litigation. He also asserts the court improperly allowed his own attorney to withdraw, unduly restricted his opportunity to present evidence, and made erroneous findings and conclusions.¹ Although Michelet represents himself, "[w]e hold unrepresented litigants in Arizona to the same standards as attorneys." *Flynn v. Campbell*, 243 Ariz. 76, ¶ 24 (2017). We have jurisdiction of his appeal pursuant to A.R.S. § 12-2101(A)(1), but we lack jurisdiction to consider any arguments related to post-decree rulings, to the extent Michelet's notice of appeal prematurely challenges them. *See Matter of Hernandez v. Athey*, 256 Ariz. 530, ¶¶ 1, 8-10 (App. 2023) (concluding no jurisdiction over premature appeal of entitlement decision). We affirm.

Counsel of Record

¶2 Michelet asserts the trial court violated procedural rules and his right to due process in permitting his own counsel to withdraw and Keeley's counsel to

¹ In his statement of issues, Michelet purports to challenge the trial court's denial of his request to annul the marriage. He waives the argument by failing to develop it. *See Ritchie v. Krasner*, 221 Ariz. 288, ¶ 62 (App. 2009).

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be substituted. We review constitutional issues and the application of rules de novo. *Duckstein v. Wolf*, 230 Ariz. 227, ¶ 8 (App. 2012); *McGovern v. McGovern*, 201 Ariz. 172, ¶ 6 (App. 2001).

I. Withdrawal of Michelet's Counsel

¶3 Keeley petitioned to dissolve the marriage in May 2023, and Michelet's attorney filed a notice of appearance later in the same month. The attorney asked to withdraw from Michelet's representation in December of that year. No trial had been set. Michelet "partially" objected to his attorney's withdrawal because a temporary orders hearing was pending later that month. Michelet asked the trial court to require his attorney to continue representing him through the scheduled hearing and to direct the attorney's firm to assign someone else to handle his case after that. The court permitted the attorney to withdraw after the hearing was over.

¶4 Michelet asserts the trial court violated Rule 78(g), Ariz. R. Fam. Law P., and denied him due process because it did not sign the order allowing his attorney to withdraw. He contends that Rule 78(g) requires that a "judgment" be signed. An attorney's withdrawal, however, is not a judgment as defined by Rule 78(a)(1). A signature was not required. Although Michelet also asserts that Rule 9(d)(1)(A), Ariz. R. Fam. Law P., requires a signed order, it does not.

¶5 Michelet fails to explain how the lack of signature violated his right to due process, and we can conceive of no reason why it could have. See *In re Aubuchon*, 233 Ariz. 62, ¶ 6 (2013). Regardless, Michelet had notice of the withdrawal and the opportunity to

object. *See Willie G. v. Ariz. Dep't of Econ. Sec.*, 211 Ariz. 231, ¶ 18 (App. 2005) (due process requires notice and opportunity to be heard) ²

II. Substitution of Keeley's Counsel

¶6 In March 2024, Keeley's newly hired attorney filed a notice that she would be "substituted as the attorney of record" in place of Keeley's prior counsel. Although that notice referenced an attachment with Keeley's "written consent," there was no such attachment. Still, the trial court approved the substitution in April. The new attorney filed an amended notice in September with Keeley's written consent attached.

¶7 Michelet argues the trial court erred both in permitting Keeley's prior counsel to withdraw without a notice of withdrawal and in allowing the new attorney to represent Keeley "without a valid substitution" under Rule 9(d). He appears to argue the substitution was invalid because the new attorney began acting as Keeley's counsel before filing the amended notice with Keeley's consent in September 2024 and because the court did not authorize the substitution in a "signed order." He asserts this was structural error. He also argues his right to due process was violated because the purported errors left him without "procedural certainty."

¶8 Michelet's argument fails for multiple reasons. As a threshold matter, he lacks standing to interfere with Keeley's choice of counsel. Keeley formed an

² Michelet also asserts that the trial court erred in ruling on the withdrawal without "addressing the pending amended substitution." But he fails to identify any "pending amended substitution" in the record.

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attorney-client relationship with her new attorney the moment she expressed an intent to receive legal services and the attorney agreed to provide them. *Paradigm Ins. Co. v. Langerman L. Offs.*, 200 Ariz. 146, ¶ 10 (2001). "A client is always entitled to be represented by counsel of his own choosing." *Valley Med. Specialists v. Farber*, 194 Ariz. 363, ¶ 18 (1999) (quoting *Dwyer v. Jung*, 336 A.2d 498, 500 (N.J. Super. Ct. Ch. Div. 1975), *aff'd*, 348 A.2d 208 (N.J. Super. Ct. App. Div. 1975)). And "[o]nly in extreme circumstances should a party to a lawsuit be allowed to interfere with the attorney-client relationship of his opponent." *Alexander v. Superior Ct.*, 141 Ariz. 157, 161 (1984). To challenge the opposing party's chosen counsel, a party must show that "it will be damaged" by the continued representation. *Id.* at 165 (determining whether appearance of impropriety alone gives party standing to "interfere with an adverse party's choice of counsel"). Michelet fails to address, much less establish, his standing to challenge Keeley's attorney. *Id.* at 161, 165.

¶9 Michelet also has not demonstrated reversible error. He has cited no applicable case law to support a claim of structural error, and we are aware of none. See *State v. Ring*, 204 Ariz. 534, ¶ 46 (2003) (noting "relatively few instances in which we should regard error as structural" in criminal case). He likewise fails to cite applicable case law to support his assertion that the "fruit of the poisonous tree" doctrine required the trial court to vacate all orders "flow[ing] from the unauthorized participation of improperly substituted counsel." See Ariz. R. Civ. App. P. 13(a)(7) (argument must contain "citations of legal authorities and appropriate references to the

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portions of the record on which the appellant relies"); *See Ritchie v. Krasner*, 221 Ariz. 288, ¶ 62 (App. 2009) (issues waived when party fails to support argument with citations to authorities and record).

¶10 Under the rules, Keeley's decision to hire a new attorney did not automatically relieve her former counsel's obligation. Ariz. R. Fam. Law P. 9(d)(1)(B)(iii) ("Once counsel has appeared as attorney of record in an action, . . . counsel will continue as attorney of record before and after judgment until . . . there has been a formal withdrawal or substitution."). A substitution of counsel requires, among other things, "written notice to the court and all parties bearing the written consent of the represented party." Ariz. R. Fam. Law P. 9(d)(2)(D). A technical error in a notice of substitution, however, will not warrant reversal "when upon the whole case it shall appear that substantial justice has been done." Ariz. Const. art. VI, § 27; *State v. Schaaf*, 169 Ariz. 323, 330-31 (1991). Despite the failure to attach Keeley's written consent, the notice of substitution indicated that Keeley had consented, and it is clear from the record as a whole that she had indeed consented to substitution before the notice was filed. Even if she had not, any harm from an unconsented substitution would have fallen on Keeley, not Michelet. Regardless, the trial court formally approved the substitution despite the defect, allowing prior counsel's withdrawal and making it clear to all parties that Keeley's new attorney was counsel of record. Ariz. R. Fam. Law P. 9(d)(1)(B)(iii). The ruling did not require a signature. Ariz. R. Fam. Law P. 78(a)(1), (g)(1).

¶11 Contrary to Michelet's claim that he lacked "procedural certainty," Michelet was aware that

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Keeley had a new attorney even before the trial court approved the substitution. He listed the new attorney as Keeley's counsel of record in his filings and named her as Keeley's attorney in his arguments. If Michelet lacked certainty, it was only because of his own unwillingness to accept the substitution, not the court's—an unwillingness that persisted long after the court had decisively identified the new attorney as counsel of record. He has not shown that his "substantial rights" were affected by the substitution of Keeley's counsel, either with or without Keeley's consent. Ariz. R. Fam. Law P. 86 ("court must disregard all errors and defects that do not affect any party's substantial rights"). Instead, his repeated efforts to challenge Keeley's attorney of record amounted to an improper attempt to interfere with Keeley's right to counsel of her choosing and to unnecessarily expand litigation.

III. Subpoena Requests

12 Relatedly, Michelet asserts the trial court abused its discretion and violated his "confidentiality interests" and right to due process by permitting Keeley's attorney to subpoena "financial records" and "protected health information" before "a valid substitution."³ The clerk of the court issued subpoenas to the Arizona State Retirement System, Public Safety Personnel Retirement System, Chase Bank, and Wells Fargo Bank ordering the delivery of

³ Michelet also asserts this error was compounded by the trial court's denial of his request for "Clerk's Certification of Service Recipients." His argument refers to a post-decree order over which we lack jurisdiction. See *Matter of Hernandez*, 256 Ariz. 530, ¶¶ 8-10.

documents to the attorney's office. The subpoenas were issued after the attorney had filed her notice of substitution but before the court had approved it.

¶13 Pursuant to the family law rules, "[t]he clerk must issue a signed but otherwise blank subpoena to a party requesting it." Ariz. R. Fam. Law P. 52(a)(2). The subpoenas do not indicate who initiated the request. Regardless, Michelet's argument assumes incoming counsel may not request subpoenas until after the trial court approves a substitution, an assumption that Michelet fails to either develop or support with legal authority. See Ariz. R. Fam. Law P. 9(d)(2)(D) (substitution occurs "upon written notice to the court," subject to later "order approving the substitution"). We deem the argument waived. See *Ritchie*, 221 Ariz. 288, ¶ 62.

Evidentiary Hearings

¶14 Michelet also argues that the trial court violated his right to due process by restricting the parties to thirty minutes to present evidence and by admitting Keeley's evidence while excluding his.⁴ A trial court has broad discretion to determine the admissibility of evidence and to control the mode and order of its presentation. *Lashonda M. v. Ariz. Dep't of Econ. Sec.*, 210 Ariz. 77, ¶ 19 (App. 2005); *State ex rel. Montgomery v. Padilla*, 239 Ariz. 314, ¶ 13 (App.

⁴ Michelet also argues these restrictions violated Rule 77(f), Ariz. R. Fam. Law P. No such subsection to Rule 77 exists. He also asserts that the disparate admission of the parties' exhibits violated "equal protection principles." He waives the argument by failing to develop it. See *Ritchie*, 221 Ariz. 288, ¶ 62.

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2016). Due process requires that a party receive notice and an opportunity to be heard. *See Willie G.*, 211 Ariz. 231, ¶ 18. We review constitutional issues de novo. *McGovern*, 201 Ariz. 172, ¶ 6.

¶15 After a nearly seven-hour trial, the trial court set a supplemental hearing because “several piece[s] of information were not presented” that the court required to complete the decree. The court indicated that “each party will be allowed one-half of the available time to present all direct, cross, redirect examination, and any argument.” Michelet failed to provide transcripts, but the minute entries show that he had an opportunity to testify, offer exhibits, and present arguments. Michelet does not identify any improperly precluded evidence. Regardless, we presume that the missing transcripts would support the court’s rulings. Ariz. R. Civ. App. P. 11(c)(1)(B) (appellant must “include in the record transcripts of all proceedings containing evidence relevant to [challenged] judgment, finding or conclusion”); *Baker v. Baker*, 183 Ariz. 70, 73 (App. 1995) (when party fails to provide transcripts necessary to issues on appeal, “we assume they would support the court’s findings and conclusions”).

Decree of Dissolution

¶16 Michelet asserts the trial court misclassified an e-trade account as community property, improperly determined the value of the marital home, and failed to credit separate property contributions from his mother. As noted, because Michelet did not provide transcripts, we must presume the missing portions of the record adequately support the court’s

findings and conclusions. Ariz. R. Civ. App. P. 11(c)(1)(B); *Baker*, 183 Ariz. at 73.

¶17 Additionally, he asserts the trial court failed to consider “evidence of parental alienation, exposure to unlicensed counseling, and safety concerns involving the children’s employment without proper vetting.” A court must “determine legal decision-making and parenting time” after considering “all factors that are relevant to the child’s physical and emotional well-being,” including multiple factors that are required by statute. A.R.S. § 25-403. The court here considered and made written findings as to every statutory factor. We presume the court fully considered relevant evidence and followed the law in reaching its decision. *Fuentes v. Fuentes*, 209 Ariz. 51, ¶¶ 18, 32 (App. 2004); *see also Lehn v. Al-Thannayan*, 246 Ariz. 277, ¶ 20 (App. 2019) (court presumed to consider and weigh relevant evidence in reaching conclusions). And again, we presume the missing portions of the record support the court’s findings and conclusions. *Baker*, 183 Ariz. at 73.⁵

Disposition

¶18 We affirm the decree. Michelet seeks attorney fees under A.R.S. § 12-341.01, which applies to actions “arising out of a contract.” This statute does not apply, and Michelet is not the successful party on appeal in any event. § 12-341.01. Nor is he entitled to

⁵ Michelet also asserts the trial court erred in failing to enforce the parental access provision of the decree “despite motions to compel.” He fails to identify the decision he is challenging, waiving his argument. *See In re Aubuchon*, 233 Ariz. 62, ¶ 6. Regardless, this argument appears to challenge a post-decree ruling, which we lack jurisdiction to address.

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costs. A.R.S. § 12-341. In our discretion, we deny Keeley's request for sanctions. *See* Ariz. R. Civ. App. P. 25. She is entitled to her costs, however, upon compliance with Rule 21, Ariz. R. Civ. App. P. *See* § 12-341.

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Appendix B



Court of Appeals
STATE OF ARIZONA
DIVISION TWO

ORDER

2 CA-CV 2025-0101-FC
Department B Maricopa County
Cause No. FC2023092114

RE: IN RE THE MARRIAGE OF SMITH

Pursuant to APPELLANTS MOTION FOR RE-
CONSIDERATION AND MOTION FOR PUBLICA-
TION,

ORDERED: Motion for Reconsideration is DENIED.
FURTHER ORDERED: Motion for Publication is
DENIED.

Judges Eckerstrom and O'Neil concurring.

DATED: January 26, 2026

_____/s/

Lacey S. Gard
Presiding Judge

Copies to:
Michelet Smith
9549 East Meseto Avenue Mesa, AZ 85209
Keeley Anne Smith
AZ

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Appendix C

SUPREME COURT OF ARIZONA

IN RE THE MARRIAGE OF	)	Arizona Su-
	)	reme Court
KEELEY ANNE SMITH,	)	No. CV-26-
	)	0040-PR
Petitioner/App-	)	
ellee,	)	Court of Ap-
	)	peals
	)	Division Two
	)	No. 2 CA-CV
	)	25-0101
and	)	
	)	Maricopa
	)	County
MICHELET MICHAEL SMITH,	)	Superior Court
	)	No. FC2023-
	)	092114
Respondent/	)	
Appellant.	)	
	)	FILED
	)	03/05/2026

ORDER

A panel consisting of Chief Justice Timmer and Justices Beene, Montgomery, and King having considered the *Petition for Review* and the *[Expedited] Appellant's Motion to Suspend Proceedings and Revest Limited Jurisdiction in the Superior Court to Correct/Clarify a Clerical Misstatement in the June 16, 2023 Minute Entry and to Settle/Correct the Record (ARCAP 3(b); ARCAP 11(3) ARFLP 85(A))*, (the "Motion").

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IT IS ORDERED denying review.

IT IS FURTHER ORDERED denying the Motion
as moot.

DATED this 5th day of March, 2026.

/S/

JAMES P. BEENE

Duty Justice

TO:

Keeley Anne Smith

Michelet Michael Smith

Lisa V Howell

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Appendix D

MICHELET MICHAEL SMITH, pro se
9549 East Meseto Avenue,
Mesa, AZ 85209
(480) 975-3848
Micsmi9459@aol.com Respondent/ Appellant

ARIZONA COURT OF APPEALS
DIVISION TWO

KEELEY SMITH,
Petitioner/Appelle,

V.

**MICHELET MICHAEL
SMITH,**

Respondent/Appellant

Case No. 2 CA
-CV 2025-
0101-FC

Maricopa
County Sup-
erior Court
No. FC2023-0
092114

**MOTION TO
STAY BRIEF
-ING SCHE-
DULE PEND
-ING REC-
ORD COM-
PLETION**

COMES NOW Respondent / Appellant, Michelet Michael Smith, acting pro se, and respectfully moves this Honorable Court to stay the August 12, 2025, deadline to file the Opening Brief pursuant to **AR-CAP Rules 6(b), 11(g)(1)-(4), and 29**, on the basis

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that critical post-judgment motions and procedural deficiencies remain unresolved in the Superior Court of Maricopa County, which directly affect the completeness and accuracy of the appellate record.

NOTE TO COURT

Appellant respectfully notes that the Court's July 7, 2025 Order reinstating the appeal appears to rely on Appellant's **Second Status Report** filed in good faith-not on the **Superior Court's resolution** of pending procedural deficiencies. Appellant has not waived any objections, nor has he conceded that the record is complete. Proceeding under these circumstances, without adjudication of key post-judgment motions, would **effectively bypass due process** and create prejudice by treating the status report as evidence of procedural closure. This undermines both **ARCAP Rule 11(g)(1)-(4)** and constitutional safeguards under the **Fourteenth Amendment**.

I. BACKGROUND

The Court reinstated the appeal and ordered Appellant to file his Opening Brief by August 12, 2025. However, multiple motions remain pending in the Superior Court, which materially impact representation status, the enforceability of trial court orders, and the procedural integrity of the record, including:

1. **Expedited Renewed Motion for Clerk's Disclosure of Service Recipients** (Filed July 8, 2025) - Requesting disclosure of individuals served with orders during the defective substitution period between March 4 and April 29, 2024 and beyond.

2. **Motion to Enforce Paragraph 155 of the Final Decree and Compel Disclosure of Children's Records** (Filed June 9, 2025) - Raising significant unresolved due process issues regarding access to records and representation status.
3. **Clarification on Amended Substitution of Counsel** - The trial court has not ruled on the September 23, 2024 amended substitution, which was intended to cure Rule 9(d)(2)(D) defects.

These issues go to the heart of procedural fairness, jurisdiction, and the completeness of the record on appeal.

II. LEGAL AUTHORITY

Under **ARCAP Rule 11(g)(1)-(4)** the appellate court may defer briefing when the record is incomplete or in need of correction. Further, **Mathews v. Eldridge**, 424 U.S. 319 (1976), and **Goldberg v. Kelly**, 397 U.S. 254 (1970), establish that due process requires notice and a meaningful opportunity to be heard, including access to accurate records and lawful proceedings.

Additionally, the unresolved substitution of counsel violates **ARFLP Rule 9(d)** and **Article 6, § 21 of the Arizona Constitution**, undermining the authority of numerous orders that may now be reviewed on appeal.

III. REQUEST FOR RELIEF

Appellant respectfully requests this Court to:

1. **Stay the August 12, 2025, Opening Brief deadline** until the Superior Court resolves the pending motions that affect the record's integrity;

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2. **Direct the trial court**, if appropriate, to expedite resolution of the remaining motions pursuant to **ARCAP Rule 11(g)(1)(B)**, or exercise such authority under **ARCAP Rule 29** to ensure the completeness and accuracy of the record.;
3. **Permit supplemental briefing** or correction of the record upon resolution of said matters.

IV. CONCLUSION

Given the unresolved representation issues and due process concerns impacting the trial court's record, enforcing the current briefing deadline would prejudice Appellant's ability to present a complete and fair appeal. A limited stay is both reasonable and constitutionally necessary.

RESPECTFULLY SUBMITTED this July 13, 2025.

/s/ Michelet Michael Smith Michelet Michael Smith, Pro Se Respondent/ Appellant

CERTIFICATE OF SERVICE

I certify that on the 13th day of July, Michelet M. Smith, I served the above **MOTION TO STAY BRIEFING SCHEDULE PENDING RECORD COMPLETION**

Via electronic mail to the following parties:

Name of party served:

Keeley Smith (Petitioner/Appellee)
Email: mikeeley9549@gmail.com

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/s/ Michelet Michael Smith
Michelet Michael Smith, Pro Se
9549 E. Meseto Avenue
Mesa, Arizona 85209
Email: micsmi9459@aol.com
Phone: (480) 975-3848

**CERTIFICATE OF COMPLIANCE WITH AR-
CAP RULE 4**

I, Michelet M. Smith, certify that this filing complies with the formatting and content requirements of ARCAP Rule 4.

The document:

- Contains the case caption and appellate case number;
- Is formatted with a readable 14-point, proportionally spaced serif font (e.g., Times New Roman);
- Uses double spacing except for headings and footnotes, which are single-spaced;
- Includes proper page margins and page numbers;
- Contains an accurate caption, signature block, and certificate of service;
- Does not exceed the content and purpose permitted for procedural motions under ARCAP Rule 6(b).;

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RESPECTFULLY SUBMITTED this July 13, 2025.

/s/ Michelet Michael Smith
Michelet Michael Smith, Pro Se
9549 E. Meseto Avenue
Mesa, Arizona 85209
Email: micsmi9459@aol.com
Phone: (480) 975-3848

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Appendix E

MICHELET MICHAEL SMITH, pro se
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Micsmi9459@aol.com
Respondent/Appellant

ARIZONA COURT OF APPEALS
DIVISION TWO

KEELEY SMITH
Petitioner/Appelle,

V.

**MICHELET MI-
CHAEL SMITH,**

Respondent/Appellant

Case No. 2 CA-CV 2025-
0101-FC

Maricopa County Super-
ior Court
No. FC2023-092114

**MOTION FOR RE-
CONSIDERATION OF
BRIEFING SCHED-
ULE PENDING REC-
ORD COMPLETION**

COMES NOW Respondent/Appellant, Michelet Michael Smith, acting pro se, and respectfully moves this Honorable Court for reconsideration of its August 5, 2025 Order denying Appellant's Motion to Stay Briefing Schedule Pending Record Completion. This motion is made pursuant to ARCAP Rule 22 and is based on the following grounds:

I. INTRODUCTION

On August 5, 2025, this Court denied Appellant's Motion to Stay Briefing Schedule and ordered that the Opening Brief be filed on or before August 18, 2025. Appellant respectfully submits that the Court's ruling overlooks critical unresolved matters in the Superior Court that directly affect the completeness and accuracy of the record on appeal, and therefore prejudices Appellant's ability to present a full and fair Opening Brief. Appellant has been waiting for the completion of the record to commence the drafting of the Opening Brief, as unresolved record issues materially affect the presentation of appellate arguments. These unresolved matters are central to multiple appellate claims, including challenges to the validity of the substitution of counsel, objections to service compliance, enforcement of parental rights under the Final Decree, and two additional pending motions filed July 21, 2025: (1) **Motion to Vacate or Stay Hearing Due to Unresolved Procedural Violations, Defective Representation, and Pending Appeal** and (2) **Motion to Modify Legal Decision-Making and Parenting Time Pursuant to A.R.S. § 25-411**. Without rulings on these issues, Appellant cannot fully develop the factual and legal bases for these claims.

II. LEGAL BASIS FOR RECONSIDERATION

A. Standard Under AR CAP Rule 22

ARCAP Rule 22 permits a party to move for reconsideration when the Court has overlooked or misapprehended a material fact or a controlling point of law. Appellant contends that the Court's denial of the stay misapprehends the impact of unresolved

trial court motions on the completeness of the appellate record.

B. ARCAP Rule 11(g)(1)-(4)- Correction or Modification of the Record

ARCAP Rule 11(g)(1)-(4) provides that omissions or misstatements in the record may be corrected by stipulation of the parties, by the superior court, or by order of the appellate court. If a dispute exists as to whether the record accurately reflects what occurred below, the superior court must settle that dispute and conform the record accordingly. The current status of the record is incomplete due to unresolved motions in the Superior Court, including:

1. The Amended Substitution of Counsel filed September 23, 2024, which remains unruled upon;
2. The Expedited Renewed Motion for Clerk's Disclosure of Service Recipients filed July 8, 2025;
3. The Motion to Enforce Paragraph 155 of the Final Decree filed June 9, 2025;
4. The Motion to Vacate or Stay Hearing filed July 21, 2025;
5. The Motion to Modify Legal Decision-Making and Parenting Time filed July 21, 2025.

These pending matters directly impact the accuracy and completeness of the record, including representation status, service compliance, parental rights, and post-decree enforcement issues.

C. Due Process Principles and Supreme Court Authority

The Fourteenth Amendment to the U.S. Constitution guarantees a meaningful opportunity to be heard. Proceeding with briefing before the record is complete deprives Appellant of the ability to fully present certain appellate issues, undermining due process. As the U.S. Supreme Court recognized in *Griffin v. Illinois*, 351 U.S. 12 (1956), and *Draper v. Washington*, 372 U.S. 487 (1963), meaningful appellate review requires access to an adequate and complete record. In *Evitts v. Lucey*, 469 U.S. 387 (1985), the Court held that the right to appeal includes the right to effective procedural protections. Compelling Appellant to submit an Opening Brief without resolution of key record issues creates a substantial risk of erroneous adjudication, contrary to the standards articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976), and *Goldberg v. Kelly*, 397 U.S. 254 (1970).

III. RELIEF REQUESTED

Appellant respectfully requests that this Court:

1. Reconsider its August 5, 2025 Order denying the Motion to Stay Briefing Schedule Pending Record Completion;
2. Stay the August 18, 2025 Opening Brief deadline until the Superior Court resolves the above-identified pending motions and the record is supplemented accordingly under AR-CAP Rule 11(g)(1)-(4);
3. In the alternative, grant Appellant an extension of thirty (30) days from the date of the Court's ruling on this motion to file the

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Opening Brief, as Appellant has been awaiting record completion to begin the brief;

4. Grant Appellant leave to file a supplemental brief or amended Opening Brief once the record is complete.

IV. CONCLUSION

For the foregoing reasons, Appellant respectfully urges the Court to reconsider its denial of the stay, as proceeding with the current deadline risks appellate review on an incomplete record and prejudices Appellant's due process rights.

RESPECTFULLY SUBMITTED this 5th day of August, 2025.

/s/ **Michelet Michael Smith**
9549 E. Meseto Avenue
Mesa, AZ 85209
email: micsmi9459@aol.com
Phone: (480) 975-3848

CERTIFICATE OF SERVICE

I certify that on the 5th day of August, Michelet M. Smith, I served the above **MOTION FOR RECONSIDERATION OF ORDER DENYING MOTION TO STAY BRIEFING SCHEDULE PENDING RECORD COMPLETION**

Via electronic mail to the following parties:

Name of party served:

Keeley Smith (Petitioner/ Appellee)

Email: mikeeley9549@gmail.com

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/s/ Michelet Michael Smith
Michelet Michael Smith, Pro Se
9549 E. Meseto Avenue
Mesa, Arizona 85209
Email: micsmi9459@aol.com
Phone: (480) 975-3848

**CERTIFICATE OF COMPLIANCE WITH AR-
CAP RULE 4**

I, Michelet M. Smith, certify that this filing complies with the formatting and content requirements of ARCAP Rule 4.

The document:

- Contains the case caption and appellate case number;
- Is formatted with a readable 14-point, proportionally spaced serif font (e.g., Times New Roman);
- Uses double spacing except for headings and footnotes, which are single-spaced;
- Includes proper page margins and page numbers;
- Contains an accurate caption, signature block, and certificate of service;
- Does not exceed the content and purpose permitted for procedural motions under ARCAP Rule 6(b).;

RESPECTFULLY SUBMITTED this August 5, 2025.

/s/ Michelet Michael Smith
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Mesa, Arizona 85209
Email: micsmi9459@aol.com
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Appendix F



Court of Appeals
STATE OF ARIZONA
DIVISION TWO

ORDER

2 CA-CV 2025-0101
Department C
Maricopa County
Cause No. FC2023092114

RE: MICHELET MICHAEL SMITH v. KEELEY A.
SMITH

Pursuant to MOTION TO STAY BRIEFING
SCHEDULE PENDING RECORD COMPLETION,

ORDERED: MOTION TO STAY BRIEFING
SCHEDULE PENDING RECORD COMPLETION is
DENIED.

FURTHER ORDERED: Opening Brief is due on or
before August 18, 2025.

DATED: August 5, 2025

_____/s/

Lisa V. Howell

Judge Pro Tempore/Clerk of the Court

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Copies to:

Michelet Smith
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Mesa, AZ 85209

Keeley Anne Smith
(protected address)
AZ

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Appendix G



Court of Appeals
STATE OF ARIZONA
DIVISION TWO

ORDER

2 CA-CV 2025-0101
Department C
Maricopa County
Cause No. FC2023092114

RE: MICHELET MICHAEL SMITH v. KEELEY A.
SMITH

Pursuant to **Motion for Reconsideration of
Order Denying Motion to Stay Briefing Sched-
ule Pending Record Completion,**

**ORDERED: Motion for Reconsideration of
Order Denying Motion to Stay Briefing Sched-
ule Pending Record Completion is DENIED.**

DATED: August 6, 2025

_____/s/

David "Mac" McCallum
Judge Pro Tempore/Chief Staff Attorney

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Copies to:

Michelet Smith
9549 East Meseto Avenue
Mesa, AZ 85209

Keeley Anne Smith
(protected address)
AZ

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Appendix H

[Filed: Jan. 9, 2025]

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2023-092114

01/08/2025

		CLERK OF THE COURT
HONORABLE	DAVID	T. Bums
MCDOWELL		Deputy

IN RE THE MARRIAGE JESSICA C REYNOLDS
OF KEELEY ANNE
SMITH

AND

	MICHELET	MICHAEL
MICHELET	MICHAEL	SMITH
SMITH		9549 E MESETO AVE
		MESA AZ 85209

JUDGE MCDOWELL

ORDER SETTING SUPPLEMENTAL HEARING

The Court has nearly completed the Decree after the December 3, 2024 Trial, but several piece of information were not presented which the Court needs to complete the Decree.

IT IS ORDERED setting a supplemental hearing for **January 28, 2025 at 2:30 p.m. (allotted time**

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one hour) hearing shall be conducted by Court Connect:

Join Microsoft Teams Meeting

+1 917-781-4590 United States, New York City (Toll)

Conference ID: 949 906 424#

<http://tinyurl.com/jbazmc-drj12>

The issues upon which the Court needs evidence are:

- The value of the Meseto property at the date of the parties' marriage.
- Whether there is a mortgage on the Pinal County property.
- When the E-Trade account was opened.
- When the Hyundai Elantra was acquired.
- The value of the items on Petitioner's personal property list (Petitioner's Exhibit #22 from the December 3, 2024 Trial), which of the items on that list Michelet Smith has previously tendered to Keeley Smith, and which items on that list, if any, were owned by the parties prior to marriage.
- When the \$66,000.00 in disability benefits were received, when that income was included on the parties' tax returns, and whether that tax return was joint or separate.
- When the credit card debt identified in Michelet Smith's Pretrial Statement was incurred and paid.
- When the student loans Michelet Smith references in his Pretrial Statement were incurred and paid.

Pursuant to Rule 77(B), Arizona Rules of Family Law Procedure (Ariz.R.Fam.L.Proc.), each party will be allowed one-half of the available time to present all direct, cross, redirect examination, and any argument. The parties are expected to complete the hearing in

the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 10 days prior to the hearing. The motion must demonstrate good cause to extend the time and must include a list of every witness who will testify, and an estimate of time needed for each witness and the subject matter of the expected testimony of each witness.

The Court will reserve **ten minutes** from each hour of the hearing for preliminary matters, procedural issues, and breaks.

IT IS ORDERED pretrial statements for this hearing are due **January 23, 2025**.

IT IS ORDERED exhibits for this hearing must be exchanged no later than **January 20, 2025** and must be submitted through Case Center no later than **January 22, 2025**.

EXHIBITS: You **MUST** submit new exhibits for the January 28, 2025 hearing, you cannot refer to exhibits submitted for the December 3, 2024 hearing **UNLESS** they were admitted into evidence at that hearing. Exhibits which were submitted for the December 3, 2024 hearing but not admitted into evidence are no longer available to the Court.

This section has many subparts - read each one carefully.

1. **Exchange of Exhibits:** **IT IS ORDERED** all exhibits **MUST** be exchanged with the other party no later than the deadline set forth above. Exhibits **cannot** be exchanged through Case Center, they must be submitted to the other party by mail or email (if the other party has agreed to accept emails). This deadline does **not** relieve each party of his/her duty to timely disclose

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exhibits as provided in Rule 49, Ariz.R.Fam.L.Proc. or the duty to timely supplement discovery responses.

2. Submission of Exhibits to the Court: **IT IS ORDERED** exhibits **MUST** be submitted through Case Center, a digital evidence portal. When the final hearing is set the attorney or party (if self-represented) will receive an email from the Clerk of Court. The email will be **sent to the email address on file with the Court** (please check that email address before you contact the Court about a missing invitation). You must have a valid email address on record with the Clerk of Court in order to receive the Case Center email invitation. The email will contain an invitation to the case created in Case Center.

Case Center will automatically number exhibits submitted for use during the proceeding. The parties should be prepared to utilize the same exhibit numbering as shown in Case Lines during the hearing. To view the exhibits, the parties will use their Case Center login information prior to the beginning of the hearing.

Please visit this site to Register with Case Center: digitalevidence.azcourts.gov. This same site has links to training resources.

For technical or customer support using Case Center, contact AOC Support Services at (602) 452-3519 or pasupport@courts.az.gov.

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The following are a few tips for uploading documents into Case Center:

- You do not need to include cover sheets or slip sheets.
- When you upload exhibits to Case Center - each exhibit **MUST** be its own document (PDF, audio file, JPEG, Word, or otherwise) and uploaded individually. You cannot combine multiple proposed exhibits into the same document.
- Give the document a name which is easy for you to understand when looking at the list. Avoid naming your documents with numbers because if you do not upload them in the correct order or remove an exhibit without renumbering your number and the Court's number may not match.
- Consider compressing the PDF file before uploading to Case Center - this will make the document smaller and quicker to retrieve during the hearing.
- If you remove or add another exhibits - make sure the numbering is correct. You can renumber the exhibits in Case Center and it is your responsibility to do so, the Court does not renumber the exhibits.

3. Organizing Exhibits:

If an audio/video exhibit is longer than three minutes, you must identify the time segment(s) you want the Court to consider.

Any document greater than 10 pages in length must have sequentially numbered pages.

A party introducing any exhibit is responsible for identifying the specific pages, messages, paragraphs, etc., the party wants the Court to consider. The specific pages, messages, paragraphs, etc., must be specifically called out during the party's presentation or specifically listed in the party's Pre-Hearing Statement.

4. Use of Exhibits during the hearing:

You MUST log into Case Center during the hearing to access the exhibits, please make sure you have the log-in information and passwords.

5. Objections to Exhibits: **IT IS ORDERED** any objections to exhibits must be stated with specificity in the party's Pretrial Statement. Reserving all objections until the final hearing will not be permitted. General objection in a Pretrial Statement will not be permitted.

PRETRIAL STATEMENTS: **IT IS ORDERED** each party MUST submit a Pretrial Statement in accordance with Rule 76(C)(1) by the date set forth above. Joint statements are not required. The Pretrial Statement shall be filed and a copy emailed to the Division (drj12@jbazmc.maricopa.gov) . However, if the Pretrial Statement is filed more than seven calendar days in advance of the hearing, you do not need to email it to the Division. The failure of a party to timely submit a Pretrial Statement, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76 of the Ariz.R.Fam.L.Proc.,

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including precluding the party from introducing evidence. If there is any issue upon which you want the Court to make a ruling, and you fail to identify it in your Pretrial Statement, or if you fail to submit a Pretrial Statement, unless you have a compelling reason for the failure, you may be deemed to have waived that issue.

Pretrial Statements are NOT evidence: Do not rely on the Pretrial Statements in lieu of testimony or the introduction of evidence at the hearing. Pretrial statements can be used to argue legal positions and should include recitation to the case law or statutes upon which you rely.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: https://superiorcourt.maricopa.gov/llrc/fc_gn9/

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Appendix I

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2023-092114

04/29/2024

HONORABLE	DAVID	CLERK OF THE COURT
MCDOWELL		T. Bums
		Deputy

IN RE THE MARRIAGE JESSICA C REYNOLDS
OF KEELEY ANNE
SMITH

AND

MICHELET	MICHAEL SMITH	MICHELET MICHAEL
SMITH		9549 E MESETO AVE
		MESA AZ 85209

LYNDA MURDEN
PO BOX 90443
PHOENIX AZ 85066
CLAUDIA D WORK
JUDGE MCDOWELL

MINUTE ENTRY

The Court is in receipt of Respondent Michelet Smith's April 17, 2024 Motion to Clarify Status of Previous Counsel and Question Attorney Fees.

A notice of substitution does not need to be accompanied by a withdrawal request. The Court cannot answer Mr. Smith's question about when Mr. Crider

stopped being involved in Ms. Smith's case and when Ms. Reynolds became involved.

The Court is aware of no basis under which Mr. Smith would be entitled to know the circumstances surrounding Mr. Crider's departure from the case.

When and if the Court addresses the issue of attorney fees, Mr. Smith can challenge any fees sought by Ms. Smith, until then any challenge to fees is untimely.

IT IS ORDERED approving the substitution of counsel by Jessica Reynolds in place of Brad Crider.

IT IS ORDERED denying Mr. Smith's Motion to Clarify Status of Previous Counsel and Question Attorney Fees without prejudice to his right to challenge any attorney fees sought by Ms. Smith in the future.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <https://superiorcourt.maricopa.gov>

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Appendix J

Jessica C. Reynolds (I.D. #015884)
REYNOLDS LAW FIRM, PLLC
700 E. Baseline Rd., Ste. D-3
Tempe, AZ 85283
Office (602) 253-6141
Fax (602) 865-7064
Jessica@ReynoldsAZlaw.com
Attorney for Petitioner

**IN THE SUPERIOR COURT OF THE STATE
OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

In Re the Matter of:

KEELEY
ANNE SMITH,

Petitioner,

and

MICHELET MICHAEL
SMITH,

Respondent.

Case No.: FC2023-
092114

**NOTICE OF
AMENDED SUBSTI-
TUTION OF COUN-
SEL FOR FOR PETI-
TIONER**

(Assigned to the Honor-
able David McDowell)

Petitioner, **KEELEY ANNE SMITH** (hereafter "Mother"), by and through undersigned counsel, hereby provides notice that JESSICA C. REYNOLDS, ESQ. of the Reynolds Law Firm, PLLC, shall be substituted as the attorney of record for Mother in place of BRADLEY CRIDER, ESQ. of Crider Law. **This Notice was previously filed on March 4, 2024,**

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without the Attachment. Undersigned counsel is re-filing this Substitution with the correct attachment. Undersigned counsel affirms she has been advised of all pending court dates and has made suitable arrangements to be prepared accordingly. Mother's written consent to this substitution is attached hereto as **ATTACHMENT 1**. All further correspondence and pleadings shall be sent to:

Jessica Reynolds, Esq.
REYNOLDS LAW FIRM, PLLC
700 East Baseline Road, Suite D-3
Tempe, AZ 85283-1297
Phone: (602) 253-6141
Email: jessica@reynoldsazlaw.com

RESPECTFULLY SUBMITTED this 23rd day of September, 2024.

REYNOLDS LAW FIRM, PLLC

/s/ Jessica C. Reynolds
Jessica C. Reynolds, Esq.
Attorney for Petitioner

ORIGINAL of the foregoing E-FILED/ELECTRONICALLY-DELIVERED this 23rd day of September, 2024;

The Honorable David McDowell
Judge of the Maricopa County Superior Court

Michelet Michael Smith
Micsmi9459@aol.com
Respondent, self-represented

By: Isl Nikki Petit

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Assistant Reynolds Law

From: Keeley Smith <mikeeley9549@gmail.com>
Sent: Monday, March 4, 2024 1:15 PM
To: Assistant Reynolds Law
Cc: Jessica Reynolds
Subject: Re: Substitution

I request that Jessica Reynolds's Law files a substitution of Counsel to appear on my case.

Thanks,
Keeley Smith

On Mon, Mar 4, 2024 at 1:08 PM Assistant Reynolds Law <assistant@reynoldsazlaw.com> wrote:

Hi Keeley,

The rules require that we include your written request/consent to file our Notice of Substitution of Counsel. Can you please respond to this email with a separate email stating that you request that we file our Substitution of Counsel to appear on your case? Thanks!!

Note: If the above email includes any attachments, please be advised that we will not be sending a copy via US Mail unless specifically requested.

Thank you,
Nikki
Paralegal to Jessica Reynolds

PLEASE NOTE OUR NEW SUITE NUMBER.

Reynolds Law Firm, PLLC
700 E. Baseline Rd., Ste D-3
Tempe, AZ 85283

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Appendix K

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2023-092114

05/30/2025

HONORABLE DAVID
MCDOWELL

CLERK OF THE
COURT

T. Bums
Deputy

IN RE THE MAR-
RIAGE OF KEELEY
ANNE SMITH

KEELEY ANNE SMITH
UP

AND

MICHELET MICHAEL
SMITH

MICHELET MICHAEL
SMITH
9549 E MESETO AVE
MESA AZ 85209

JUDGE MCDOWELL

MINUTE ENTRY

The Court is in receipt of Michelet Smith's May 21, 2025 Motion to Notify Court of Attorney Withdrawal via Informal Communication and Request for Judicial Determination of Representation Status. In this Motion, Mr. Smith requests confirmation that Mr. Crider no longer represents Ms. Smith. The Court addressed Mr. Crider's representation a year ago. Mr. Smith is

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encouraged to go back and read the Court's prior orders related to the substitution of counsel.

IT IS ORDER denying any relief requested by Mr. Smith in this Motion.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: https://superiorcourt.maricopa.gov/llrc/fc_gn9/

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Appendix L

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2023-092114

07/07/2025

HONORABLE DAVID MCDOWELL	CLERK OF THE COURT T. Bums Deputy
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IN RE THE MARRIAGE OF KEELEY ANNE SMITH	KEELEY ANNE SMITH UP
--	-------------------------

AND

MICHELET MICHAEL SMITH	MICHELET MICHAEL SMITH 9549 E MESETO AVE MESA AZ 85209
------------------------	--

JUDGE MCDOWELL

REQUEST DENIED

The Court is in receipt of Michelet Smith's June 9, 2025 *Expedited Request for Clerk's Certification of Service Recipients for Post-Substitution Court Orders*. In this motion, Michelet Smith requests that the Clerk of the Court identify the recipients of all court orders and minutes entries filed in this case after March 4, 2024.

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Mr. Smith fails to cite any statute, Rule, or case law authorizing him to request this information from the Clerk of the Court. **IT IS ORDERED** denying this request.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: https://superiorcourt.maricopa.gov/llrc/fc_gn9/