NOT DESIGNATED FOR PUBLICATION

No. 104,107

IN THE COURT OF APPEALS OF THE STATE OF KANSAS

IN THE MATTER OF THE MARRIAGE OF

TAMMY L. FARR (TORREZ),
Appellant,

and

TERRY J. FARR,
Appellee.

MEMORANDUM OPINION

Appeal from Shawnee District Court; DAVID B. DEBENHAM, judge. Opinion filed April 1, 2011. Affirmed.

Tammy Torrez, appellant pro se.

No appearance by appellee.

Before BUSER P.J., MALONE and STANDRIDGE, JJ.

Per Curiam: Tammy Farr appeals from the district court's denial of her Motion for New Trial or in the Alternative, Motion for Amendment or Reconsideration of Judgment following the district court's granting of a divorce rather than an annulment. We affirm.

Tammy and Terry Farr were married on February 14, 2004. Tammy filed a pro se petition for divorce on January 30, 2009, seeking to end the marriage. On April 6, 2009, she filed an amended petition for annulment under K.S.A. 60-1602 claiming that "[t]he marriage was entered into fraudulently or to deceive the other person." The verified

petition asserted that Terry had participated in criminal sexual acts and that Tammy had no prior knowledge of his "sexual tendencies towards children." Tammy filed a property settlement agreement under which she received all property except for Terry's clothing, photos, and personal effects.

Terry's first response to the action was by a letter dated April 23, 2009. In the letter, Terry stated that he was in a Missouri prison and he requested a continuance so that he could try to obtain counsel because he was "totally unprepared for, and did not expect this action." He also asked to recover his personal property and for a court order to be able to call his daughter.

Terry sent a second letter to the district court, dated July 13, 2009, which stated that he was financially unable to obtain counsel. He also addressed several property settlement and parenting issues which essentially mirrored Tammy's request. Terry concluded by asking the court to note that he had "given up most every asset . . . in hopes that I can appease Tammy for the sole purpose of showing her my sincere remorse for my transgressions and that she may work with me in keeping a future relationship with her and my beloved daughter."

An evidentiary hearing was held on July 20, 2009, with Tammy appearing through counsel. After the hearing, the district court entered a decree of divorce, but made no mention of an annulment. Tammy timely filed a Motion for New Trial or in the Alternative Motion for Amendment or Reconsideration of Judgment. In this motion, Tammy indicated the court ruled there was insufficient evidence to grant an annulment. While acknowledging that the distinction between a divorce and annulment may be insignificant, Tammy asserted that an annulment in this case would allow for "closure of the emotional wounds caused" by Terry.

In response, the district court received a third letter from Terry dated August 14, 2009. In this letter, Terry stated he did not understand why Tammy wanted the divorce changed to an annulment. He claimed that Tammy bonded him out, spent time with him as a couple and as a family, visited him while incarcerated, and sent him some letters expressing affection. Terry also claimed that he and Tammy attempted to work through a difficult time in their marriage.

On August 20, 2009, a hearing was held on Tammy's motion. The district court found the prior ruling of divorce was appropriate and that there were no grounds for a mandatory annulment under K.S.A. 60-1602(a). Further, the court found that the circumstances of the case did not warrant a discretionary order of annulment under K.S.A. 60-1602(b). As a result, Tammy's motion was denied. Tammy timely appealed and proceeds pro se on appeal. Terry did not file a responsive brief.

Tammy claims the district court erred in not granting the annulment and in not allowing certain evidence to be presented to the district court. There are two important reasons why we are unable to review Tammy's claims.

First, Tammy's brief failed to comply with our Supreme Court Rules. See Supreme Court Rule 6.02(d) (2010 Kan. Ct. R. Annot. 39) ("The facts . . . shall be keyed to the record . . . so as to make verification reasonably convenient. Any material statement made without such a reference may be presumed to be without support in the record."); Supreme Court Rule 6.02(e) (2010 Kan. Ct. R. Annot. 39) ("Each issue shall begin with citation to the appropriate standard of appellate review and a reference to the specific location in the record on appeal where the issue was raised and ruled upon.").

Second, "[a]n appellant has the burden to designate a record sufficient to establish the claimed error; without such a record, the claim of error fails. [Citation omitted.]" *Kelly v. VinZant*, 287 Kan. 509, 526, 197 P.3d 803 (2008). In this case, two hearings were

held and the district court received evidence on at least one occasion. Tammy argued below that, "testimony was provided by [her] regarding some details of [Terry's] criminal acts that led to the filing of this case." We are unaware of what evidence or arguments were presented at either of the hearings, however, because there are no transcripts included in the record on appeal. Without a sufficient record to evaluate the district court's rulings and judgment, the claims of error must fail. *Kelly*, 287 Kan. at 526.

We are mindful of Tammy's pro se status. However, although pro se pleadings are to be liberally construed, pro se litigants are held to the same standard as licensed attorneys. See *In re Estate of Broderick*, 34 Kan. App. 2d 695, 701, 125 P.3d 564 (2005). We may not speculate regarding these matters. Without substantial compliance with our Supreme Court's Rules and a sufficient record to review we are unable to grant Tammy the relief she requests.

We have reviewed the district court's journal entries filed in this case. This review convinces us that the district court was aware of and considered Tammy's arguments for an annulment. In particular, we note the district court specifically considered whether a mandatory or discretionary annulment was proper given the circumstances. See K.S.A. 60-1602. Under Kansas law, we presume the district court found all facts necessary to support its judgment. *Hodges v. Johnson*, 288 Kan. 56, 65, 199 P.3d 1251 (2009).

Affirmed.