

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION TWO

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MICHAEL ALLEN MORENO,  
*Petitioner/Appellee,*

*v.*

REJEANA MERRIMAN,  
*Respondent/Appellant.*

No. 2 CA-CV 2015-0021  
Filed December 1, 2015

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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NOT FOR PUBLICATION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).

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Appeal from the Superior Court in Pima County  
No. SP20120882  
The Honorable Sharon Douglas, Judge Pro Tempore

**APPEAL DISMISSED**

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Michael Moreno, Tucson  
*In Propria Persona*

Rejeana Merriman, Red Rock  
*In Propria Persona*

MORENO v. MERRIMAN  
Decision of the Court

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**MEMORANDUM DECISION**

Judge Espinosa authored the decision of the Court, in which Presiding Judge Miller and Chief Judge Eckerstrom concurred.

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ESPINOSA, Judge:

¶1 It appears Rejeana Merriman seeks to appeal the trial court’s order granting Michael Moreno joint legal decision making and unsupervised parenting time with their minor child.<sup>1</sup> Because Merriman’s notice of appeal was not timely filed, we dismiss the appeal for lack of jurisdiction.

**Factual and Procedural Background**

¶2 The record reflects the following relevant background.<sup>2</sup> In August 2012, Moreno filed a “complaint for paternity with custody, parenting time and child support.” In her answer, Merriman denied Moreno was the biological father of the child in question and requested a paternity test. Following a two-day trial, the trial court awarded Moreno joint legal decision making and

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<sup>1</sup>Merriman does not specify in her notice of appeal or opening brief which order she is appealing from, but it is apparent that she is contesting the trial court’s ruling granting Moreno unsupervised parenting time.

<sup>2</sup>Neither Merriman’s nor Moreno’s briefs contain statements of facts containing appropriate citations to the record as required by Rule 13(a)(5), Ariz. R. Civ. App. P. Though Moreno’s argument section includes some record citations, it also contains numerous factual assertions for which no support appears in the record. We therefore have disregarded the factual assertions in both briefs, *see Sholes v. Fernando*, 228 Ariz. 455, n.2, 268 P.3d 1112, 1114 n.2 (App. 2011), relying on our own review of the record instead, *see Delmastro & Eells v. Taco Bell Corp.*, 228 Ariz. 134, ¶ 2, 263 P.3d 683, 686 (App. 2011).

MORENO v. MERRIMAN  
Decision of the Court

unsupervised parenting time in an under-advisement ruling entered on August 15, 2014. The ruling resolved all pending matters, and the court signed the minute entry “in lieu of a more formal [o]rder.” Merriman filed a document entitled “Emergent request of appeal/emergent change of judicial jurisdiction,” with an added handwritten notation “Notice of Appeal,” on December 18, 2014.<sup>3</sup>

**Jurisdiction**

¶3 Though neither party raises the issue, we must first address this court’s jurisdiction over Merriman’s appeal. *See In re Marriage of Kassa*, 231 Ariz. 592, ¶ 3, 299 P.3d 1290, 1291 (App. 2013) (appellate court has independent duty to determine its jurisdiction). If jurisdiction is lacking, we have no authority to entertain an appeal, and it must be dismissed. *See In re Marriage of Dougall*, 234 Ariz. 2, ¶ 6, 316 P.3d 591, 594 (App. 2013).

¶4 A timely notice of appeal is a jurisdictional prerequisite to appellate review. *Id.* ¶ 7. Rule 9(a), Ariz. R. Civ. App. P., requires a notice of appeal to be filed no later than thirty days after entry of the judgment from which the appeal is taken. *See also In re Marriage of Thorn*, 235 Ariz. 216, ¶ 5, 330 P.3d 973, 975 (App. 2014). Here, Merriman’s notice of appeal of the trial court’s order entered on August 15, 2014, was untimely because it was filed on December 18, 2014, well beyond Rule 9(a)’s thirty-day requirement. We therefore lack jurisdiction to consider her appeal.

**Disposition**

¶5 For the foregoing reasons, the appeal is dismissed.

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<sup>3</sup>Although Merriman’s pro se filing consists of eleven pages generally setting forth a number of argumentative points and a request that “jurisdiction be transferred to Wisconsin courts,” we treat it as a notice of appeal in light of her express designation as such and the fact she filed an opening brief and paid all required fees resulting in transmission of the record to this court.