NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2006 CU 0837

MICHAEL DUFRESNE

VERSUS

MANDY COLLINS BARNETT

Judgment Rendered: SEP 15 2006

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Appealed from the
Twenty-Third Judicial District Court in and for the
Parish of Ascension, State of Louisiana
Trial Court Number 70,055 "B"

Honorable Thomas Kliebert, Judge Presiding

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Michael Dufresne **Livingston, LA**	**Plaintiff/Appellant,** **In Proper Person**
David Cliburn **Gonzales, LA**	**Counsel for Defendant/Appellee,** **Mandy Barnett**

BEFORE: CARTER, C.J., WHIPPLE AND McDONALD, JJ.

WHIPPLE, J.

Michael Dufresne, the biological and domiciliary custodial parent of the minor child, S.D., appeals from a judgment of the trial court which, *inter alia*, found him in contempt for failing to assist with his child's attendance at catechism, and ordered that he be confined to four days in the parish prison should he fail to make the child available for any future catechism classes without cause.

Although appellant failed to assign specific errors, in his pro se brief on appeal, he contends that the trial court erred in failing to order that the child attend church services while in the care of appellee, Mandy Barnett, and further erred, in failing to order that she likewise be confined to four days in the parish prison for not making their child available to attend catechism while in her care. Appellant also argues that the trial court erred in failing to follow the recommendations of the court-appointed evaluator, Al Robelot.

At the outset, we first observe that the contempt ruling resulted from appellant's apparent violation of certain provisions of a February 22, 2005 judgment of the trial court rendered in accordance with stipulations of the parties. We further note that from a careful review of appellant's arguments, we glean that he does not challenge the finding that he was in contempt, but instead challenges the judgment's failure to likewise find Ms. Barnett in contempt (and subject to four days imprisonment).

However, the record does not reflect that a contempt rule was pending against Ms. Barnett on these issues or that the trial court considered same in rendering its judgment. Instead, the hearing held on September 30, 2005 and the resulting judgment at issue on appeal were based on the contempt rule filed by appellee against the appellant.

Moreover, the minute entry of the hearing indicates that both parties were present in court on that date with their respective attorneys. According to the minute entry and transcript, in lieu of a full hearing with testimony, the parties requested a "status," the matter was passed temporarily, and the judgment at issue was thereafter rendered in open court "[b]ased on the stipulations of counsel and the parties." The trial court then ordered that a written judgment be submitted by the parties.

A stipulation has the effect of a judicial admission or confession, which binds all parties and the court. Crawford v. Blue Cross Blue Shield of Louisiana, 99-2503 (La. App. 1st Cir. 11/03/00), 770 So. 2d 507, 512, writ denied, 2000-3267 (La. 2/16/01), 786 So. 2d 98. Stipulations between the parties are binding on the trial court when not in derogation of law. Such agreements are the law of the case. Becht v. Morgan Buildings & Spas, Inc., 2002-2047 (La. 4/23/03), 843 So. 2d 1109, 1112, cert. denied, 540 U.S. 878, 124 S.Ct. 289, 157 L.Ed.2d 142. Notably, appellant did not object to the terms of the judgment when entered into the record before the trial court; nor does he challenge the correctness of the terms of the stipulated judgment on appeal.[1] Because appellant acquiesced in the stipulations entered herein before the trial court, which set forth the terms of the underlying judgment, he may not complain of these same terms on appeal.

With regard to appellant's argument that the trial court erred in failing to follow the recommendations of the court-appointed evaluator, we note that according to the minute entry, the parties specifically stipulated that custody is ordered "as outlined in the recommendation of Robelot with the addition of ½ school holidays and ½ actual day[s] between the parties."

[1]As noted above, he does not appear to challenge the ruling that he was in contempt - only that Ms. Barnett was not found to be in contempt.

Furthermore, we note that the record does not contain any report or evaluation by Robelot. Moreover, the minutes and transcript do not indicate that it was introduced in these proceedings. As the party challenging the judgment on appeal, appellant has the burden of showing error in the judgment of the trial court and the burden of ensuring that a complete record was presented for review. See LSA-C.C.P. art. 2131; Saacks v. Saacks, 96-736 (La. App. 5th Cir. 1/28/97), 688 So. 2d 673, 675. Thus, even if we were to find appellant had standing to raise this issue, the record before us presents nothing for review regarding any purported failure to consider Robelot's evaluation.

After a thorough review of the record herein, we find no abuse of discretion by the trial court in its ruling, rendered in accordance with the stipulations; nor does the record demonstrate the trial court was clearly wrong or manifestly erroneous in its judgment. Accordingly, finding no error, we affirm the trial court's judgment of November 15, 2005, in accordance with Uniform Rules – Courts of Appeal, Rule 2-16.2A(6), (7), and (8).

Costs are assessed against appellant, Michael Dufresne.

AFFIRMED.