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NOT FOR OFFICIAL PUBLICATION
See Okla.Sup.Ct.R. 1.200 before citing.

IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

DIVISION IV

FILED
COURT OF CIVIL APPEALS
STATE OF OKLAHOMA

WALTER OTIS HEAD,

Plaintiff/Appellant,

vs.

H&R BLOCK, INC.,

Defendant/Appellee.

Rec'd (date)	5-11-26
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MAY 11 2026

SELDEN JONES
CLERK

Case No. 122,665

APPEAL FROM THE DISTRICT COURT OF
BRYAN COUNTY, OKLAHOMA

HONORABLE ABBY ROGERS, ASSOCIATE DISTRICT JUDGE

AFFIRMED

Walter Otis Head
Mead, Oklahoma

Pro Se

OPINION BY GREGORY C. BLACKWELL, PRESIDING JUDGE:

Walter Head appeals the court's entry of judgment in favor of H&R Block Inc. and the court's denial of his motion to correct. Upon review, the decisions of the trial court are affirmed.

I.

On November 29, 2023, Walter filed a second amended affidavit in small claims court alleging that the defendant, H&R Block, had breached its contract with Walter and that he was also entitled to punitive damages. The case came

on for hearing on December 15, 2023, and both parties appeared *pro se*.¹ The court heard testimony and received exhibits. The case was continued to January 24, 2024, and additional testimony was taken, exhibits were received, and the case was taken under advisement. On September 27, 2024, the court issued an order detailing the above-stated procedural history and granting judgment in Walter's favor "in the amount of \$6,000, plus filing fees, service fees, and mailing fees in the amount of \$311.89." ROA 3.

On October 8, 2024, Walter filed a post-trial motion asking the court to "correct" its order because he was not awarded the full amount of damages he was seeking. On November 4, 2024, the court denied Walter's motion and also found that a hearing on the motion was unnecessary pursuant to Oklahoma District Court Rule 4(h).

On November 19, 2024, Walter filed a petition in error appealing from both the underlying judgment and the denial of the motion to correct. We note that Walter's appeal from the underlying judgment and the denial of the motion to correct was timely pursuant to 12 O.S. § 990.2.² However, the first petition filed

¹ This is permitted in a small claims action. See 12 O.S. § 1751(G).

² Title 12 O.S. § 990.2 provides as follows:

When a post-trial motion for a new trial, for judgment notwithstanding the verdict, or to correct, open, modify, vacate or reconsider a judgment, decree or final order, other than a motion only involving costs or attorney fees, is filed within ten (10) days after the judgment, decree or final order is filed with the court clerk, an appeal shall not be commenced until an order disposing of the motion is filed with the court clerk. The unsuccessful party may then appeal from the order disposing of the motion within thirty (30) days after the date such order was filed. If the decision on the motion was against the moving party, the moving party may appeal from the judgment, decree or final order, from the ruling on the motion, or from both, in one appeal, within thirty (30) days after the filing of the order disposing of the motion. Successive appeals

by Walter attached several impermissible exhibits and the Supreme Court addressed the issue as follows:

The Court notes appellant's petition in error, starting with Exhibit B-1, attaches unauthorized items such as Gmail correspondence, H&R Block forms, small claims court forms, receipts, etc. Appellant shall limit his filings in this Court to filings authorized by the Oklahoma Supreme Court Rules. Appellant is directed to file, no later than December 12, 2024 an amended petition in error without attaching any of the items starting with Exhibit B-1.

Order (Nov. 22, 2024) (emphasis removed).

On January 3, 2025, Walter filed an amended petition in error without the extraneous exhibits attached. However, while the petition notes that the judgment and the order denying the motion to correct were "Attached as Exhibit 'A,'" there is no attached Exhibit A in the amended petition in error. Additionally, the Supreme Court noted that H&R Block did not file a response to the petition in error or an answer brief. The Court found that the case would be submitted for consideration based upon the paperwork filed in the case to date.³

II.

This court's standard of review for small claims judgments is as follows:

The findings of a trial court sitting without a jury in a case of legal cognizance are to be given on review the same weight as that which would be accorded the verdict of a well-instructed jury. If there is any evidence tending to support the findings and judgment of the trial court at a bench trial of a law case, the findings and judgment

from the original judgment, decree or final order and the order disposing of the motion shall not be allowed.

³ We note that "[r]eversal is never automatic on appellee's failure to file answer brief." *Hamid v. Sew Original*, 1982 OK 46, ¶ 7, 645 P.2d 496. However, if the failure to file an answer "is unexcused, this Court is under no duty to search the record for some theory to sustain the trial court judgment, and will, ordinarily, where the brief-in-chief is reasonably supportive of the allegations of error, reverse the appealed judgment with appropriate directions." *Sneed v. Sneed*, 1978 OK 138, ¶ 10, 585 P.2d 1363.

will not be disturbed, even if the record might support a conclusion different from that reached at *nisi prius*. The credibility of witnesses and the effect of and weight given to their testimony, as well as the resolution of conflicting or inconsistent testimony, are questions of fact to be determined by the trier.

Sides v. John Cordes, Inc., 1999 OK 36, ¶ 16, 981 P.2d 301, 307. We will review the denial of Walter's motion to correct for an abuse of discretion. See *Schepp v. Hess*, 1989 OK 28, ¶ 11, 770 P.2d 34.

III.

Walter contends that the court erred in denying his motion to correct⁴ because he should have been granted a hearing to allow him to submit various records to the court, he was entitled to a judgment in the amount of \$9,540.30 (not \$6,000), and he should have been awarded interest. First, we note that the trial court denied Walter's motion to correct, specifically finding that a hearing was not necessary pursuant to Oklahoma District Court Rule 4(h). The rule provides as follows: "Motions may be decided by the court without a hearing, and where this is done, the court shall notify the parties of its ruling in writing by mail or email." *Id.* Thus, pursuant to Rule 4(h), we find that the trial court was authorized to decide Walter's motion without a hearing.

As to the second two issues, which go to the merits of the judgment, we note that this case highlights the substantial difficulties that can arise in reviewing a small claims appeal, especially one brought by a litigant unfamiliar

⁴ Walter's post-trial motion is vaguely titled "motion." There is no reference to 12 O.S. § 1031, § 1031.1, or § 651. Walter does, however, specifically ask the court to "correct" its judgment by modifying the total amount he is to receive. Thus, we construe Walter's post-trial motion as a motion to correct pursuant to 12 O.S. § 1031.1, and presume, for purposes of this appeal, that such motions are permitted in small claims court.

with the preparation of an appellate record. In small claims proceedings, the technicalities of evidentiary and procedural rules are relaxed, and the simplified procedure makes the need for an attorney unnecessary, or less necessary, with regard to those issues. *See Black v. Littleton*, 1975 OK CIV APP 1, ¶ 6, 532 P.2d 486. *See also Thayer v. Phillips Petroleum Co.*, 1980 OK 95, ¶ 5, 613 P.2d 1041 (“The exegesis behind the small claims court is to open the courts to the citizenry. A person does not need a lawyer to appear. The normal rules of evidence are not applied. The jurisdiction may be invoked by payment of a nominal fee. The small claims court provides redress for the ordinary person.”).

The same relaxed procedure that allows a *pro se* litigant to try their case without negotiating a host of procedural hurdles also risks producing, as here, little or no record to enable meaningful review of the court’s findings of fact. Here, the only items contained in the record are Walter’s affidavit initiating the case, the court minute issued after the parties’ second hearing, the judgment, Walter’s motion to correct, and the order denying the motion to correct. We have no record of either the December 15, 2023, or January 29, 2024, hearings at which both parties apparently testified, and at which the court received evidence. No narrative statement of either hearing was filed.⁵

⁵ Oklahoma Supreme Court Rule 1.30 provides as follows:

If no stenographic report of the evidence or proceedings at a hearing or trial was made or if a transcript of the reporter's notes cannot be prepared or where the judgment involves an involuntary loss of liberty, personal freedom or incarceration and where the appealing party is an indigent, the party desiring to take the appeal under these rules (or any other party) may prepare a statement of the evidence or proceedings in the narrative form from the best available means including the party's recollection for use in lieu of a stenographic transcript.

In the absence of hearing transcripts and exhibits, a review of the factual basis of the original decision is not possible. We are unable to verify the testimony heard, the evidence presented, and what legal arguments were made by either party. Because we cannot ascertain the correctness of the underlying judgment, we have no way of determining whether Walter's motion to correct was justified. Accordingly, we cannot conclude that the trial court abused its discretion in denying it.

* * *

Oklahoma courts have consistently held that "[l]egal error may not be presumed in an appellate court from a silent record. The opposite is true. Absent a record showing otherwise, this court presumes that the trial court did not err." *Hamid v. Sew Original*, 1982 OK 46, ¶ 6, 645 P.2d 496, 497. The orders of the trial court must be affirmed.

AFFIRMED.

BARNES, J., and HUBER, J., concur.

May 11, 2026