

COURT OF APPEALS
STARK COUNTY, OHIO
FIFTH APPELLATE DISTRICT

MALETHA WILLIAMS

Plaintiff-Appellee

-vs-

MARTIN WILLIAMS

Defendant-Appellant

: JUDGES:

:

: Hon. William B. Hoffman, P.J.

: Hon. John W. Wise, J.

: Hon. Patricia A. Delaney, J.

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: Case No. 2018CA00136

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O P I N I O N

CHARACTER OF PROCEEDING:

Appeal from the Stark County Court of
Common Pleas, Domestic Relations
Division Case No. 2018 DR 00418

JUDGMENT:

AFFIRMED

DATE OF JUDGMENT ENTRY:

March 19, 2019

APPEARANCES:

For Plaintiff-Appellee:

Maletha Streeter
247 Valeside Ave. NE
Massillon, OH 44646

For Defendant-Appellant:

MARTIN WILLIAMS, PRO SE
750 Fay St. S.E.
Massillon, OH 44646

Delaney, J.

{¶1} Defendant-appellant Martin Williams appeals the September 10, 2018 Judgment Entry: Decree of Divorce of the Stark County Court of Common Pleas, Domestic Relations Division. Plaintiff-appellee Maletha Williams did not appear.

FACTS AND PROCEDURAL HISTORY

{¶2} Appellant and appellee were married; the parties have five children who are emancipated and two children who remain minors. The trial court granted a divorce on the grounds of incompatibility and ordered shared parenting with appellee as residential parent. No child support was ordered because appellant is disabled. The trial court did not order spousal support. Appellee retained the marital residence and was ordered to pay taxes; appellant was ordered to pay utilities for the property as long as he lives there. He was ordered to sign a quit claim deed upon request. Both parties retained sole ownership in bank accounts and IRAs titled in their own names; each was responsible for his or her own debts; and appellee retained title and exclusive use of a vehicle.

{¶3} Appellant appeals from the decree of divorce ordered September 10, 2018.

ANALYSIS

{¶4} At the outset, we note appellant's brief fails to comply with the Rules of Appellate Procedure. Appellant's brief consists of a recitation of facts and no argument regarding the decision of the trial court.

{¶5} Appellate Rule 16 states:

The appellant shall include in its brief, under the headings and in the order indicated, all of the following:

- (1) A table of contents, with page references.

(2) A table of cases alphabetically arranged, statutes, and other authorities cited, with references to the pages of the brief where cited.

(3) A statement of the assignments of error presented for review, with reference to the place in the record where each error is reflected.

(4) A statement of the issues presented for review, with references to the assignments of error to which each issue relates.

(5) A statement of the case briefly describing the nature of the case, the course of proceedings, and the disposition in the court below.

(6) A statement of facts relevant to the assignments of error presented for review, with appropriate references to the record in accordance with division (D) of this rule.

(7) An argument containing the contentions of the appellant with respect to each assignment of error presented for review and the reasons in support of the contentions, with citations to the authorities, statutes, and parts of the record on which appellant relies. The argument may be preceded by a summary.

(8) A conclusion briefly stating the precise relief sought.

{¶6} In the instant case, appellant's brief does not minimally comply with the Rule and contains none of the listed requirements. Failure to meet the requirements of Rule 16 is often grounds for dismissal of the appeal. *Giesberger v. All. Police Dept.*, 5th Dist.

Stark No. 2011CA00070, 2011-Ohio-5940, ¶ 16, citing *Pahoundis v. Beamer*, 5th Dist. Coshocton No. 09CA017, 2009–Ohio–6881.

{¶7} We find appellant's brief does not minimally satisfy the requirements of App. R. 16; therefore, is noncompliant. Absent minimal compliance with App. R. 16(A), this Court cannot reasonably respond to appellant's claims, and may, in its discretion, disregard those claims. *In re Guardianship of Moton*, 5th Dist. Richland No. 10CA82, 2011-Ohio-809, ¶ 19, citing *Foster v. Board of Elections*, 53 Ohio App.2d 213, 228, 373 N.E.2d 1274 (8th Dist.1977). Such deficiencies are tantamount to failure to file a brief. Pursuant to the authority granted to this Court under App. R. 18(C), we dismiss appellant's appeal for failure to file a brief.

{¶8} Furthermore, appellant's brief does not contain an acknowledgment of service or a proof of service upon the proper opposing party as required by App.R. 13. Pursuant to App.R. 13(D), this Court cannot consider any pleading which does not contain “an acknowledgment of service by the person served or proof of service in the form of a statement of the date and manner of service and of the names of the persons served, certified by the person who made service.” Accordingly, we dismiss appellant's appeal for want of prosecution. *Moton*, supra at ¶ 19, citing *Education Resources Inst. v. Grover*, 5th Dist. Stark No. 2003CA00379, 2004–Ohio–3057, ¶ 8.

{¶9} The judgment of the Stark County Court of Common Pleas, Domestic Relations Division is affirmed.

CONCLUSION

{¶10} Appellant's cause is dismissed and the judgment of the Stark County Court of Common Pleas, Domestic Relations Division is affirmed. Costs taxed to appellant.

{¶11} By judgment entry, we further order the Clerk of Court to return appellant's exhibits by mail. The exhibits are attached hereto as "Court's Exhibit A."

By: Delaney, J.,

Hoffman, P.J. and

Wise, John, J., concur.