

[Cite as *Walton v. Mercedes Benz USA*, 2018-Ohio-3591.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 106460

JONATHAN WALTON

PLAINTIFF-APPELLANT

vs.

MERCEDES BENZ USA, ET AL.

DEFENDANTS-APPELLEES

JUDGMENT:
AFFIRMED

Civil Appeal from the
Rocky River Municipal Court
Case No. 17 CVI 0544

BEFORE: Stewart, J., E.A. Gallagher, A.J., and S. Gallagher, J.

RELEASED AND JOURNALIZED: August 30, 2018

FOR APPELLANT

Jonathan Walton, pro se
6876 County Highway 44
Upper Sandusky, OH 43351

ATTORNEY FOR APPELLEES

Michael J. Meyer
Benesch Friedlander Coplan & Aronoff, L.L.P.
200 Public Square, Suite 2300
Cleveland, OH 44114

MELODY J. STEWART, J.:

{¶1} Plaintiff-appellant Jonathan Walton requested that this appeal from a judgment in favor of defendants-appellees Mercedes-Benz USA on his complaint for breach of an automobile warranty be placed on our accelerated calendar under App.R. 11.1 and Loc.App.R. 11.1. By doing so, he has agreed that we may render a decision in “brief and conclusionary form” consistent with App.R. 11.1(E).

{¶2} We find no merit to Walton’s first assignment of error that the trial court violated his due process right to legal counsel as guaranteed by the Sixth Amendment to the Constitution because a civil litigant has no Sixth Amendment right to counsel, *State ex rel. Burnes v. Athens Cty. Clerk of Courts*, 83 Ohio St.3d 523, 524, 700 N.E.2d 1260 (1998), and this contract case is not one where a statute provides for appointed counsel at state expense. *State ex rel. McQueen v. Court of Common Pleas*, 135 Ohio St.3d 291, 2013-Ohio-65, 986 N.E.2d 925, ¶ 9. Accordingly we summarily overrule this assigned error.

{¶3} We also find no merit to the claim Walton raises in the second assignment of error that he was deprived his due process rights and deprived of a fair and impartial trial because the magistrate hearing his case referenced a document that was not admitted into evidence. That document (a letter stating “intent to sue”) was attached to the complaint and properly considered by the magistrate. We therefore find no error.

{¶4} Judgment affirmed.

It is ordered that appellees recover of appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the Rocky River Municipal court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

MELODY J. STEWART, JUDGE

EILEEN A. GALLAGHER, A.J., and
SEAN C. GALLAGHER, J., CONCUR