

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

Meriane Charlot,	:	
Petitioner-Appellee,	:	
v.	:	No. 12AP-76 (C.P.C. No. 11DV-12-2167)
Hancy Desinor,	:	(ACCELERATED CALENDAR)
Respondent-Appellant.	:	

D E C I S I O N

Rendered on August 28, 2012

*The Legal Aid Society of Columbus, Susan S. Donofrio, and
Stuart Y. Itani, for appellee.*

Hancy Desinor, pro se.

APPEAL from the Franklin County Court of Common Pleas,
Division of Domestic Relations.

SADLER, J.

{¶ 1} Respondent-appellant, Hancy Desinor, appeals from a judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations, granting the petition for a civil protection order ("CPO") filed by petitioner-appellee, Meriane Charlot. For the following reasons, we affirm.

{¶ 2} On December 8, 2011, appellee filed a petition for a domestic violence protection order pursuant to R.C. 3113.31. The trial court issued an ex parte CPO that same day and scheduled a hearing for December 15, 2011. On January 6, 2012, the trial

court held an evidentiary hearing wherein appellant appeared pro se and appellee appeared with counsel. At the conclusion of the hearing, the trial court granted a CPO to be effective until January 6, 2017.

{¶ 3} Acting pro se, appellant now appeals to this court. On March 8, 2012, we filed an order striking his initial brief for failure to comply with several of the requirements in App.R. 16 and Loc.R. 7. In his revised brief, appellant presented the following six assignments of error:

1. Was the Lower Court correct to deny Relevant evidences of the defendant's side?
2. Did not the Trial Court erred by accepted Petitioner forged documents as evidences with different and complex statements on the ADDENDUM Restrained Order form 10.01-D ORC 3113.33?
3. Lower erred on the issue RENEWAL OF Restrained Order against me for no good reason. Under 3113.31; RITCHIE v. KONRAD No. B159689. 115 Cal.App.4th 1275 (2004); STATE v. GAYNOR FONTE No. 1 CA-CR 04-0755 (2005)
4. Was the Lower Court erred for not allowed the Defendant to tell his side of story at Full-Hearing and Forced case to unnecessary continuance two trials? Erred to a fail trial? Local Rules 71, 77 RULE 16. Human Rights Violations Article 6, 7, 8, 10, 11, 12; RITCHIE v. KONRAD 115 Cal.App.4th 1279
5. Did the Lower Court erred on the Rights of the Child, by keeping me, the kids father, away from own kids, to allow the kids to be among PEOPLE WHO HAVE HISTORY OF CHILD ENDANGERED without my present? State of Ohio v. Roosevelt Milord Case #2004 CR B 025959
6. Did Lower Court judge ERRED ON MY TESTIMONY AND ERRED FOR FAILED TO ASK QUESTIONS DURING AND AFTER TESTIMONIES to find out the real motive of the Appelle/Petitioner and her abuses against me?

(Sic passim.)

{¶ 4} Our review is hindered by several defects in appellant's revised brief. In addition to being largely indecipherable, appellant's assignments of error (most of which are actually phrased as rhetorical questions) do not "reference * * * the place in the record

where each error is reflected." *See* App.R. 16(A)(3). Moreover, appellant's statement of the issues fails to identify "the assignments of error to which each issue relates," *see* App.R. 16(A)(4), and his supporting argument does not clearly specify the contentions pertaining to each assignment of error, *see* App.R. 16(A)(7). We are free to disregard appellant's assignments of error under these circumstances. *See* App.R. 12(A)(2). In the interests of justice, however, we will address appellant's assignments of error to the extent we can discern them.

{¶ 5} Appellant's assignments of error will be reviewed together because all seem to pertain to the CPO hearing and the trial court's decision granting the CPO. Of the arguments we can ascertain, appellant asserts that the trial court erred in the admission and exclusion of certain evidence, failed to ask questions during the trial, and violated appellant's rights by granting the CPO. All of appellant's arguments fail for one main reason: he has failed to provide this court with a transcript of the proceedings below.

{¶ 6} "The duty to provide a transcript for appellate review falls upon the appellant." *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199 (1980). This is so because it is the appellant's burden to demonstrate error by reference to matters in the record. *Id.*, citing *State v. Skaggs*, 53 Ohio St.2d 162 (1978). "When portions of the transcript necessary for resolution of assigned errors are omitted from the record, the reviewing court has nothing to pass upon and thus, as to those assigned errors, the court has no choice but to presume the validity of the lower court's proceedings, and affirm." *Knapp* at 199.

{¶ 7} Appellant has not provided this court with a transcript or with any alternative form of the record permitted by App.R. 9, and, consequently, we must presume the regularity of the proceedings and the validity of the trial court's rulings. *See Columbus v. McCash*, 10th Dist. No. 11AP-1118, 2012-Ohio-3167, ¶ 17; *Williams v. AutoZone*, 10th Dist. No. 11AP-134, 2011-Ohio-4985, ¶ 8; *Frick, Preston & Assoc. v. Martin*, 10th Dist. No. 10AP-1208, 2011-Ohio-4428, ¶ 8; *Daughtry v. Daughtry*, 10th Dist. No. 11AP-59, 2011-Ohio-4210, ¶ 7; *Collier v. Stubbins*, 10th Dist. No. 03AP-553, 2004-Ohio-2819. Because appellant has failed to demonstrate any error in the proceedings below, his assignments of error are overruled.

{¶ 8} Having overruled all of appellant's assignments of error, we affirm the judgment of the Franklin County Court of Common Pleas.

Judgment affirmed.

BROWN, P.J., and FRENCH, J., concur.
