

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

Karyn McConnell Hancock

Court of Appeals No. L-10-1070

Appellee

Trial Court No. DR2008-0579

v.

Lawrence L. Hancock, Sr.

Appellant

and

C. Allen McConnell and
Tempie McConnell

DECISION AND JUDGMENT

Defendants

Decided: February 3, 2012

* * * * *

Karyn McConnell-Hancock, pro se.

Lawrence L. Hancock, Sr., pro se.

* * * * *

HANDWORK, J.

{¶ 1} This appeal is from the February 16, 2010 judgment of the Lucas County Court of Common Pleas, Domestic Relations Division, which granted the parties a divorce and allocated property and parental rights. Upon consideration of the

assignments of error, we affirm the decision of the lower court. Appellant, Lawrence Hancock, Sr., asserts the following assignments of error on appeal:

1. It is not good for society for a Trial Court Judge to acknowledge wrong doing during a trial and [sic]

2. It is completely unprecedented [sic] in Lucas County to provide a stay of Child Support to convicted felons unless unusual [sic] circumstances have been identified during a trial. In this case, it was not a [sic].

3. The Defendant satisfied all requirements for parenting classes prior to trial. Completed two curriculums instead of one. [sic] The Court did nothing to verify the completion nor inquired in any way as to the readiness of the Defendant as a result. [sic]

4. The Court was in full knowledge and had to correct the misrepresenting of information presented in the Divorce Schedules. By the time the Court acknowledges the perjury, the Defendant's vehicle had already been repossessed, and foreclosure procees [sic] started becuae [sic] the Plaintiff stated in the [sic].

{¶ 2} This appeal arises from a final divorce decree awarding the parties a divorce from each other based upon their mutual acknowledgements that they were incompatible. The court awarded residential and legal custody of the two minor children born of the marriage to the parents of appellee, Karyn McConnell Hancock, because she was

incarcerated. Appellant was granted supervised visitation with the children on the condition that he complete parenting classes and psychological treatment as ordered by the court because he had admitted to abusing his son. The court ordered both parents to pay child support, but suspended appellee's obligation while she was incarcerated. The court reasoned that suspension of the obligation was necessary so that there would not be a large arrearage upon appellee's release, which would only be detrimental to the children's welfare. While pending issues remained regarding guardian fees and expenses, the court found that there was no just reason for delay in entering a final judgment of divorce.

{¶ 3} On appeal, appellant's first assignment of error was neither explained nor supported. It appears that appellant is arguing that the trial court should have considered whether appellee abandoned appellant as a ground for divorce. However, the trial court found that the parties admitted that they were incompatible and granted a divorce on that basis. The court did not need to inquire into other grounds for divorce. Therefore, we find appellant's first assignment of error not well-taken.

{¶ 4} In his second assignment of error, appellant argues that the court erred when it ordered both parents to pay child support but suspended appellee's obligation while she was incarcerated. Appellant argues that the court could not issue such an order when appellee did not request suspension of her support obligation. We find this argument lacks merit. The court was charged with determining the support obligations of the parties for the benefit of the children. R.C. 3119.22. The court was not limited in its

determination by the lack of any special request by the parties. Appellant's second assignment of error is found not well-taken.

{¶ 5} Appellant argues in his third assignment of error that the trial court erred in conditioning his visitation upon completion of parenting classes when the court knew that appellant had already completed such requirements. We find this argument lacks merit because the court ordered conditional supervised visitation based on appellant's admission that he abused his son. Therefore, any parenting classes appellant completed prior to the filing of the complaint for divorce were irrelevant to this order. Appellant's third assignment of error is not well-taken.

{¶ 6} In his fourth assignment of error, appellant argues that the court erred when it ignored the fact that appellee committed perjury in the "Divorce schedules" which resulted in the repossession of his car. Appellant argues that the court should have inquired into appellee's misrepresentations.

{¶ 7} At the hearing, appellant questioned appellee about the accuracy of the information contained in an income and expense summary she had filed in the case prior to the court's temporary support orders. The trial court questioned the relevancy of this line of questioning since any misrepresentation that appellee made in the early stages of this case had no bearing upon the final award of spousal and child support. Appellant did not present to the court the argument he now presents on appeal that appellee's alleged perjury impacted the temporary support orders and consequently appellant's ability to make his car loan payments. The trial court specifically found that appellant had failed to

explain why he did not make payments on the loan, which resulted in the car being repossessed. Therefore, the court allocated the debt on appellant's Mercedes to appellant in the final divorce decree.

{¶ 8} Therefore, we find appellant's fourth assignment of error is not well-taken.

{¶ 9} Having found that the trial court did not commit error prejudicial to appellant, the judgment of the Lucas County Court of Common Pleas, Domestic Relations Division, is affirmed. Appellant is ordered to pay the court costs of this appeal pursuant to App.R. 24.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. See, also, 6th Dist.Loc.App.R. 4.

Peter M. Handwork, J.

JUDGE

Stephen A. Yarbrough, J.

JUDGE

Clair E. Dickinson, J.
CONCUR.

JUDGE

Judge Clair E. Dickinson, Ninth District Court of Appeals, sitting by assignment of the Chief Justice of the Supreme Court of Ohio.

<p>This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: http://www.sconet.state.oh.us/rod/newpdf/?source=6.</p>
