

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

Vicky Dombkowski

Court of Appeals No. L-12-1210

Appellee

Trial Court No. DR1976-0293

v.

Luis Leal

Appellant

and Lucas County Child
Support Enforcement Agency

DECISION AND JUDGMENT

Appellee

Decided: May 3, 2013

* * * * *

Luis T. J. Leal, pro se.

Michael P. Mikkonen, for appellee Lucas County Child Support
Enforcement Agency.

* * * * *

OSOWIK, J.

{¶ 1} This is an appeal brought by Luis Leal from the judgment of the Lucas County Court of Common Pleas, Domestic Relations Division, filed July 30, 2012, which dismissed appellant's previously filed motion to vacate.

{¶ 2} Appellant asserts the following assignments of error:

Proposition of law No. 1

Withholding, hiding and or not applying exculpatory evidence is a violation of right to confrontation issues *Melendez v. Diaz* USCt 2012 [sic].

Proposition of law No. 2

Not continuing jurisdiction pursuant to Ohio Revised Code 3115.00 through 3119.01(11)(x) is a violation of uniformed due process as conservatively gripped in *Melendez v. Diaz*.

{¶ 3} In support of these assignments, appellant claims that “This is a case that involves systematic discrimination by some in law enforcement environment including in the judicial, who are involved in political conspiracy and avoiding reality and or the records that this appeal is bent on.”

{¶ 4} Appellant has not otherwise indicated what exculpatory evidence has been withheld from him or how the case of *Melendez v. Diaz* (presumably appellant has referenced the case of *Melendez-Diaz v. Massachusetts* 557 U.S. 305, 129 S.Ct. 2527, 175 L.Ed.2d 314 (2009) or how R.C. 3115.00 through 3119.01(11)(x) apply to his case.

{¶ 5} A review of the record below establishes that the Lucas County Child Support Enforcement Agency found appellant in default on April 30, 2005. That arrearage was reduced to judgment in the amount of \$7,968.05 as of February 29, 2012. Pursuant to R.C. 3123.032, a “Child Support Enforcement Agency Lien on Real Property” was filed with the Lucas County Recorder on April 24, 2012.

{¶ 6} Appellant apparently sought to “object to the lien” and filed a pleading to that effect with the trial court on July 2, 2012. On July 13, 2012, the trial court found this motion to be not well-taken and it was dismissed. On July 19, 2012, appellant filed a motion to vacate the July 13, 2012 order asserting that he had no interest in the “property listed in this controversy and to further order the Lucas County Child Support Agency to cease and desist.”

{¶ 7} On July 30, 2012, the trial court found the motion to vacate not well-taken and it was dismissed.

{¶ 8} Since this is a pro se appeal, the court will attempt to discern the nature of the appeal.

{¶ 9} The judgment from which appellant appeals is a denial of a motion to vacate. A motion to vacate a prior judgment of the court is governed by Civ.R. 60(B).

{¶ 10} In reviewing the denial of a Civ.R. 60(B) motion, an appellate court applies an abuse of discretion standard. *Griffey v. Rajan*, 33 Ohio St.3d 75, 77, 514 N.E.2d 1122 (1987). A ruling will be reversed for an abuse of discretion only where it appears that the court’s attitude is unreasonable, arbitrary, or unconscionable. *Blakemore v. Blakemore*, 5 Ohio St.3d 217, 219, 450 N.E.2d 1140 (1983).

{¶ 11} It is well established that to prevail on a motion under Civ.R. 60(B), the movant must demonstrate that: (1) the party has a meritorious defense or claim to present if relief is granted; (2) the party is entitled to relief under one of the grounds stated in Civ.R. 60(B)(1) through (5); and (3) the motion is made within a reasonable time, and,

where the grounds of relief are Civ.R. 60(B)(1), (2) or (3), not more than one year after the judgment, order or proceeding was entered or taken. *GTE Automatic Elec., Inc. v. ARC Industries, Inc.*, 47 Ohio St.2d 146, 150-151, 351 N.E.2d 113 (1976).

{¶ 12} We have reviewed the record and the appeal presented by appellant and we are unable to discern what his appeal challenges. Appellant did not demonstrate to the trial court that he was entitled to relief pursuant to Civ.R. 60(B)(1) through (5). We can find no abuse of discretion. Appellant’s assignments of error are found not well-taken.

{¶ 13} The judgment of the Lucas County Court of Common Pleas, Domestic Relations Division, is affirmed. Appellant is ordered to pay the 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.

Mark L. Pietrykowski, J.

JUDGE

Thomas J. Osowik, J.

JUDGE

Stephen A. Yarbrough, J.
CONCUR.

JUDGE

<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>
