

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE OF OHIO

C.A. No. 14CA0059-M

Appellee

v.

STEVEN M. SUTTON

APPEAL FROM JUDGMENT
ENTERED IN THE
WADSWORTH MUNICIPAL COURT
COUNTY OF MEDINA, OHIO
CASE No. 14 CRB 355

Appellant

DECISION AND JOURNAL ENTRY

Dated: June 30, 2015

CARR, Presiding Judge.

{¶1} Appellant, Steven Sutton, appeals the judgment of the Wadsworth Municipal Court. This Court affirms.

I.

{¶2} On April 24, 2014, a complaint was filed in Wadsworth Municipal Court charging Sutton with disorderly conduct, a minor misdemeanor. The charge stemmed from an incident the previous day where Sutton was involved in a belligerent confrontation with a cable technician on a service call. Sutton entered a plea of not guilty to the charge and the matter proceeded to a bench trial. Sutton was found guilty and the trial court imposed a \$50 fine. The trial court issued its judgment entry on July 22, 2014.

{¶3} On appeal, Sutton raises four assignments of error.

II.

ASSIGNMENT OF ERROR I

TRIAL COURT ERRED WHEN ALLOWING COMPLAINT [SIC] WITNESS ERIC C. TO TESTIFY. STATE VS. FEAR, TOLEDO V. STEWART, FEDERAL RULES OF EVIDENCE 602[.]

ASSIGNMENT OF ERROR II

TRIAL COURT ERRED WHEN ALLOWING OFFICER TO TESTIFY. STATE VS. KIDDER, FEDERAL RULES OF EVIDENCE 602, “LACK OF PERSONAL KNOWLEDGE[.]”

ASSIGNMENT OF ERROR III

TRIAL COURT ERRED WHEN IT INITIATED EX PARTE COMMUNICATION WITH PROSECUTOR WITHOUT DEFENSE PRESENT. ARTICLE IV, SECTION 3 OF THE STATE OF OHIO CONSTITUTION.

ASSIGNMENT OF ERROR IV

TRIAL COURT ERRED WHEN IT FAILED TO CONSIDER EXHIBIT A (POLICE DASH CAM VIDEO) IN IT[S] ENTIRETY BEFORE RULING IN THIS CASE. ARTICLE IV, SECTION 3 OF THE OHIO STATE CONSTITUTION. (SIC)

{¶4} Sutton raises four assignments of error in which he alleges various errors pertaining to his trial. As the appellant in this matter, it is Sutton’s responsibility to ensure that a transcript of proceedings is included in the appellate record. App.R. 10(A). While Sutton has included multiple DVDs and a CD in the appellate record, he has not included a written transcript that comports with the requirements of App.R. 9(B)(6). *State v. Campbell*, 9th Dist. Medina No. 13CA0013-M, 2014-Ohio-1329, ¶ 12. Without a proper transcript, this Court is unable to review the merits of Sutton’s assignments of error and we are compelled to presume regularity in the trial court’s proceedings. *Id.* at ¶ 12, citing *State v. Dowe*y, 9th Dist. Summit No. 25963, 2012-Ohio-1167, ¶ 4. Sutton’s assignments of error are overruled.

III.

{¶5} Sutton's four assignments of error are overruled. The judgment of the Wadsworth Municipal Court is affirmed.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Wadsworth Municipal Court, County of Medina, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

DONNA J. CARR
FOR THE COURT

WHITMORE, J.
MOORE, J.
CONCUR.

APPEARANCES:

STEVEN M. SUTTON, pro se, Appellant.

THOMAS J. MORRIS, Attorney at Law, for Appellee.