

**IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
TRUMBULL COUNTY, OHIO**

KEN OSBORN,	:	OPINION
Plaintiff-Appellant,	:	
- vs -	:	CASE NO. 2010-T-0092
TERRY SIGLER, et al.,	:	
Defendants-Appellees.	:	

Civil Appeal from the Trumbull County Court, Central District, Case No. 10 CVI 00204.

Judgment: Affirmed.

Ken Osborn, pro se, 14524 Countyline Road, Greenville, PA 16125 (Plaintiff-Appellant).

Terry Sigler, pro se, 4020 Youngstown Kingsville Road, Cortland, OH 44410 (Defendant-Appellee).

Kelly E. Brown, pro se, 2395 Mahan Denman Road, Cortland, OH 44410-9684 (Defendant-Appellee).

THOMAS R. WRIGHT, J.

{¶1} Appellant, Ken Osborn, appeals from the July 16, 2010 judgment entry of the Trumbull County Court, Central District, ruling in favor of Terry Sigler and Kelly E. Brown.

{¶2} Osborn filed a small claims complaint against Sigler for services rendered including labor and material in the amount of \$536. Less than a month later, Osborn

filed an amended complaint alleging the same claim against both Sigler and Brown. He also prayed for \$50 more.

{¶3} Following a hearing, the trial court ruled in favor of Sigler and Brown. Osborn filed a timely pro se appeal.

{¶4} In his pro se handwritten appellate brief, Osborn does not assert any assignments of error for our review. Instead, his entire brief consists of the following two paragraphs:

{¶5} “Appeallant (sic) is proceeding Pro se, without assistance of counsel on appeal. Appealant (sic) is unlearned in the law and has no other way of completing his appeal abscent (sic) this court appointing him counsel on appeal.

{¶6} “How-ever (sic) in the interest of justice plaintiff should be permitted a hearing to produce two transcripts of two different cases that will show ‘perjury’ and this number should be reversed? (sic)”

{¶7} Preliminarily, we note that “[a]n appellant ‘bears the burden of affirmatively demonstrating error on appeal.’” *Village of S. Russell v. Upchurch*, 11th Dist. Nos. 2001-G-2395 and 2001-G-2396, 2003-Ohio-2099, at ¶10, quoting *Concord Twp. Trustees v. Hazelwood Builders* (Mar. 23, 2001), 11th Dist. No. 2000-L-040, 2001 Ohio App. LEXIS 1383. Osborn, a pro se civil litigant, is “bound by the same rules and procedures as those litigants who retain counsel. [Pro se civil litigants] are not to be accorded greater rights and must accept the results of their own mistakes and errors.” (Emphasis sic.) *Karnofel v. Cafaro Mgt. Co.* (June 26, 1998), 11th Dist. No. 97-T-0072, 1998 Ohio App. LEXIS 2910, at *6, quoting *Meyers v. First Natl. Bank of Cincinnati* (1981), 3 Ohio App.3d 209, 210. Although Osborn maintains he is “unlearned in the

law” and would benefit by having court appointed counsel represent him, we note that “[t]here is no generalized right of counsel in civil litigation.” *State ex rel. Jenkins v. Stern* (1987), 33 Ohio St.3d 108, 110.

{¶8} Osborn’s brief does not comply with App.R. 16(A) as he failed to include (1) a table of contents; (2) a table of cases, statutes, and other authorities; (3) a statement of the assignments of error; (4) a statement of the issues; (5) a statement of the case briefly describing the nature of the case, the course of proceedings, and the disposition in the court below; (6) a statement of facts relevant to the assignments of error presented for review; (7) an argument containing his contentions with respect to each assignment of error presented for review and the reasons in support of the contentions, with citations to the authorities, statutes, and parts of the record on which he relies; and (8) a conclusion briefly stating the precise relief sought.

{¶9} More importantly, Osborn asserts in his brief that the transcript from the hearing will show perjury. On his notice of appeal, Osborn estimated that a complete transcript from the court reporter was to be completed within four days from the filing of his appeal. He indicated that the estimated number of pages of the transcript was unknown. We note, however, that Osborn failed to file the transcript.

{¶10} “An appellant is required to provide a transcript for appellate review.” *Warren v. Clay*, 11th Dist. No. 2003-T-0134, 2004-Ohio-4386, at ¶4, citing *Knapp v. Edwards Laboratories* (1980), 61 Ohio St.2d 197, 199. “Such is necessary because an appellant shoulders the burden of demonstrating error by reference to matters within the record.” *Id.*

{¶11} This principle is embodied in App.R. 9(B), which states in relevant part:

{¶12} “At the time of filing the notice of appeal the appellant, in writing, shall order from the reporter a complete transcript or a transcript of the parts of the proceedings not already on file as the appellant considers necessary for inclusion in the record and file a copy of the order with the clerk.”

{¶13} Where a transcript necessary for the resolution of assigned errors is omitted from the record, an appellate court has nothing to pass upon. *Clay*, supra, at ¶7.

{¶14} Osborn failed to affirmatively demonstrate error on appeal. His brief does not comply with any of the requirements under App.R. 16(A). Osborn does not assert any assignment of error in his brief, but mentions that “perjury” occurred at the hearing. However, he failed to file the transcript of that hearing for our review. Therefore, we must presume regularity of the proceedings below and affirm. *Clay*, supra, at ¶7.

{¶15} For the foregoing reasons, the judgment of the Trumbull County Court, Central District, is affirmed.

TIMOTHY P. CANNON, P.J.,

MARY JANE TRAPP, J.,

concur.