

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

E.Y.

Court of Appeals No. L-26-00062

Appellee

Trial Court No. DV20260050

v.

J.S.

DECISION AND JUDGMENT

Appellant

Decided: September 30, 2026

* * * * *

Erik G. Chappell, and
Amy M. Waskowiak, for appellee.

Jesse A. Stevens, Pro Se appellant.

* * * * *

DUHART, J.

{¶ 1} Appellant, J.S. pro se, appeals the judgment of the Lucas County Common Pleas Court Domestic Relations Division which granted a Domestic Violence Civil Protection Order (“DVCPO”) to appellee, E.Y. For the reasons that follow, we affirm.

Additionally, E.Y. has filed a motion for an award of fees pursuant to App.R. 23, which we deny.

Assignments of Error

I. The trial court erred by relying on mischaracterized and/or nonexistent evidence, including referencing a “video” that was never admitted, identified, authenticated, or entered into the . . . record.

II. The trial court erred by misinterpreting and misstating [J.S.]’s testimony regarding a firearm and improperly treating a social media image as evidence of ownership.

III. The trial court erred by relying on speculative and unsupported testimony, including assumptions made by witnesses without personal knowledge of the events.

IV. The trial court erred by considering and/or relying upon evidence from prior, sealed matters and presenting such evidence as current conduct.

V. The trial court erred by denying [J.S.] a meaningful opportunity to be heard, including limiting the presentation and review of evidence and refusing to replay material video evidence necessary for full consideration of the facts.

VI. The trial court erred by making findings of fact that were against the manifest weight of the evidence.

Background

{¶ 2} On January 15, 2026, E.Y. filed a petition for a DVCPO, an ex parte hearing was held, and an ex parte DVCPO was issued. A full hearing was held on February 4, 2026, before a magistrate who granted E.Y.’s request for a DVCPO. The magistrate’s opinion was adopted by the trial court on February 12, 2026. On February 23, 2026, J.S. filed objections to the magistrate’s decision and additionally filed a Motion for Direction Regarding Transcript Costs requesting “guidance or appropriate relief concerning transcript preparation costs.” The court issued an order in response to J.S.’s Motion for Direction Regarding Transcript Costs, construing it as a request to waive the cost of

transcript preparation. The court noted that J.S. had not submitted or filed a signed Transcript Request Form, and that a claim of financial hardship did not relieve him of the responsibility for transcript preparation costs and denied J.S.’s request for relief.

{¶ 3} J.S. appealed the DVCPO on March 9, 2026. Because the trial court had not ruled on his objections, we remanded the case back to the trial court for consideration of the objections, and on March 24, 2026, the trial court denied J.S.’s objections, in part based on the lack of a transcript, and affirmed the February 12, 2026 DVCPO.

{¶ 4} On April 2, 2026, J.S. filed a “Statement of the Evidence Pursuant to App.R. 9(C),” which was stricken by this court on April 29, 2026, because “App.R. 9(C) cannot be used as a substitute for the failure to file a transcript in conjunction with objections to a magistrate’s decision in the trial court.” Additionally, he filed “Appellant’s Statement of the Evidence Pursuant to App.R. 9(C)” in the trial court on April 22, 2026. This was dismissed as improperly filed on April 29, 2026.

{¶ 5} On June 3, 2026, E.Y. filed a motion for an award of fees pursuant to App.R. 23.

Analysis

{¶ 6} Preliminarily, we must address J.S.’s failure to provide a transcript. Because it is his burden to show error by reference to matters in the record, it is also his duty to provide this court with a transcript of the proceedings. *State v. Quillen*, 2020-Ohio-4337, ¶ 14 (6th Dist.). “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

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lower court's proceedings, and affirm." *Id.*, quoting *Knapp v. Edwards Labs.*, 61 Ohio St.2d 197, 199 (1980).

{¶ 7} Here, J.S. points out that he attempted to submit a Statement of Evidence pursuant to App.R. 9(C), but it was rejected, and he argues that reversal is warranted despite the absence of a transcript "where errors are apparent on the face of the record, including reliance on evidence that was never admitted and findings unsupported by competent, credible evidence."

{¶ 8} Without a transcript, we must presume the validity of the trial court's decision and affirm, as we find that a review of the testimony and evidence presented at the hearing is necessary for resolution of J.S.'s assigned errors. In each error, he references testimony from the hearing, or evidence presented or not presented at the hearing. Thus, the transcript is necessary for consideration of his assigned errors. They are not apparent on the face of the record. We therefore find J.S.'s assigned errors not well-taken.

Motion for Sanctions

{¶ 9} E.Y. requests attorney fees under App.R. 23 on the basis that J.S.'s appeal is frivolous. She points to the lack of a transcript, both in the trial court and on appeal, as well as the fact that his statement of evidence was stricken, and that, after his statement of evidence was stricken, J.S. filed an amended notice of appeal and his brief.

{¶ 10} "Under App.R. 23, a court of appeals 'may require the appellant to pay reasonable expenses of the appellee including attorney fees and costs' upon a finding that the appeal is frivolous. 'A frivolous appeal is one that presents no reasonable question for

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review.”” *Kaufman v. Horvath*, 2018-Ohio-435, ¶ 26 (6th Dist.), quoting *Garritano v. Pacella*, 2010-Ohio-1702, ¶ 12 (6th Dist.).

{¶ 11} Upon due consideration, we do not find J.S.’s appeal to be frivolous. Accordingly, E.Y.’s request for sanctions is denied.

Conclusion

{¶ 12} The judgment of the Domestic Relations Division of the Lucas County Common Pleas Court is affirmed. Pursuant to App.R. 24, J.S. is hereby ordered to pay the costs incurred on appeal. Additionally, E.Y.’s motion for sanctions is denied.

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.

Christine E. Mayle, J.

JUDGE

Myron C. Duhart, J.

JUDGE

Charles E. Sulek, J.

CONCUR.

JUDGE

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