[Cite as *D.G. v. A.H.*, 2026-Ohio-4577.]

COURT OF APPEALS OF OHIO

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

D.G.,	:	
Petitioner-Appellee,	:	No. 116054
v.	:	
A.H.,	:	
Respondent-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: November 19, 2026

Civil Appeal from the Cuyahoga County Court of Common Pleas
Case No. CV-25-124304

Appearances:

A.H., *pro se*.

KATHLEEN ANN KEOUGH, J.:

{¶ 1} Respondent-appellant A.H. appeals the trial court's decision overruling her objections and granting petitioner-appellee D.G.'s petition for a civil stalking protection order ("CSPO"). For the reasons that follow, this court affirms the trial court's decision.

I. Procedural Background

{¶ 2} In September 2025, mother D.G. filed a petition seeking a CSPO for herself and her child against her child's paternal grandmother A.H. A magistrate granted an ex parte CSPO and scheduled a full hearing. On September 23, 2025, a magistrate conducted the full hearing at which both D.G. and A.H. appeared and offered testimony. Based on the testimony presented, the magistrate found that D.G.'s account of two altercations that occurred approximately two weeks apart in September 2025 was more credible than A.H.'s testimony. The magistrate therefore determined that D.G. demonstrated by a preponderance of the evidence that A.H. violated R.C. 2903.211 when she knowingly engaged in a pattern of conduct against D.G. that caused D.G. to suffer mental distress. Accordingly, the magistrate granted a full CSPO against A.H. for three years, naming both D.G. and the minor child as protected persons.

{¶ 3} On October 1, 2025, pursuant to Civ.R. 65.1(F)(3)(c)(ii), the trial court adopted the magistrate's granting of the CSPO, finding no error of law or other defect evident on the face of the order.

{¶ 4} On October 15, 2025, A.H. timely filed objections to the court's adoption of the magistrate's granting of the CSPO. In her objections, she challenged the findings regarding (1) credibility, (2) the implication that A.H. was the aggressor at the September 3, 2025 incident, and (3) the alleged misapplication of the legal standard of "pattern of conduct" and "knowingly" in R.C. 2903.211. A.H. also objected to the alleged failure to give proper consideration of the familial nature of

the parties' relationship. Finally, A.H. challenged the inclusion of the minor child as a protected party because the CSPO allowed the court-ordered visitation to continue and the three-year duration of the CSPO, claiming that it was excessive and disproportionate. Although A.H. requested a transcript of the full CSPO hearing and received an extension to file the transcript, A.H. did not file a transcript in the trial court.

{¶ 5} On December 22, 2025, the trial court considered and overruled A.H.'s objections.

II. The Appeal

{¶ 6} A.H. now appeals, raising as her sole assignment of error that the trial court erred and abused its discretion in granting the CSPO because the evidence failed to establish the elements of menacing by stalking under R.C. 2903.211. She raises five specific issues: (1) whether sufficient evidence was presented demonstrating that she engaged in a pattern of conduct constituting menacing by stalking under R.C. 2903.211; (2) whether the trial court's findings that she physically assaulted D.G. were against the manifest weight of the evidence; (3) whether the evidence established that she knowingly caused D.G. mental distress as required by R.C. 2903.211; (4) whether the trial court improperly relied upon visitation-related communications and conduct arising from a court-ordered visitation as evidence of stalking; and (5) whether the evidence supported inclusion of the minor child and imposition of a three-year CSPO.

{¶ 7} Initially, we note that A.H. acted pro se before the trial court and represents herself pro se on appeal. This court has previously recognized that

> "a pro se litigant may face certain difficulties when choosing to represent oneself. Although a pro se litigant may be afforded reasonable latitude, there are limits to a court's leniency. Pro se litigants are presumed to have knowledge of the law and legal procedures, and are held to the same standard as litigants who are represented by counsel."

(Citations omitted.) *J.T. v. J.G.*, 2026-Ohio-1771, ¶ 9 (8th Dist.), quoting *Saeed v. Greater Cleveland Regional Transit Auth.*, 2017-Ohio-935, ¶ 7 (8th Dist.). Accordingly, it is presumed that A.H. had knowledge of the law, legal procedures, and appellate process regarding her burden of demonstrating error on appeal.

{¶ 8} A.H. has, nonetheless, failed to comply with App.R. 16 because her assignment of error and the issues raised are primarily based on conclusory statements without a discussion of the relevant law and analysis.

{¶ 9} App.R. 16(A)(7) requires an appellant to include in the appellate brief "[a]n argument containing the contentions of the appellant 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 appellant relies." "'An appellate court may disregard an assignment of error pursuant to App.R. 12(A)(2) if the party raising it fails to identify in the record the error on which the assignment of error is based or fails to argue the assignment separately in the brief, as required under App.R. 16(A).'" *Baxter v. Thomas*, 2015-

Ohio-2148, ¶ 54 (8th Dist.), quoting *Rodriguez v. Rodriguez*, 2009-Ohio-3456, ¶ 4 (8th Dist.).

{¶ 10} "To succeed on appeal, an appellant must demonstrate that the trial court committed an error by citing what the law is and showing how the trial court fell short." *Chrzanowski v. Chrzanowski*, 2025-Ohio-2690, ¶ 17 (8th Dist.); *see also Fontain v. Sandhu*, 2021-Ohio-2750, ¶ 15 (1st Dist.) ("The appellant has the burden on appeal. . . . An appellate court will not create an argument in support of an assignment of error where an appellant fails to develop one."). "'The appellant cannot prove the trial court erred by "merely setting forth conclusory statements" that claim the trial court erred.'" *Id.*, quoting *Adams v. June*, 2021-Ohio-168, ¶ 8 (3d Dist.), quoting *In re B.P.*, 2015-Ohio-48, ¶ 10 (9th Dist.). Accordingly, because A.H. has failed to comply with App.R. 16, her assignment of error could be disregarded for this reason alone.

{¶ 11} Moreover, our review of the merits of A.H.'s assignment of error is equally limited because A.H. did not file a transcript in support of her objections with the trial court.

{¶ 12} A party may object to the trial court's adoption of the magistrate's granting of the CSPO after a full hearing within 14 days after the filing of the court's order. Civ.R. 65.1(F)(3)(d)(i). The objecting party must demonstrate (1) an error of law is evident on the face of the court's order, (2) the credible evidence of record is insufficient to support the magistrate's decision, or (3) the magistrate abused his or her discretion by including or failing to include specific terms in the CSPO.

Civ.R. 65.1(F)(3)(d)(iii). "Objections based upon evidence of record shall be supported by a transcript of all the evidence submitted to the magistrate or an affidavit of that evidence if a transcript is not available." Civ.R. 65.1(F)(3)(d)(iv). If the objections are filed prior to the transcript, the objecting party may request leave of court to subsequently file the transcript. *Id*.

{¶ 13} Where a party fails to file a transcript, the trial judge's review of the objections and magistrate's granting of a protection order is limited to the findings the magistrate set forth in the protection order. *Flippin v. Gray*, 2026-Ohio-515, ¶ 18 (12th Dist.). On appeal, however, an appellant "is prohibited from challenging the factual findings of the magistrate unless [the appellant] files a transcript of the magistrate's hearing with the trial court with [appellant's] objections." *J.S. v. D.L.*, 2018-Ohio-4775, ¶ 10 (8th Dist.), citing *Slepsky v. Slepsky*, 2016-Ohio-8429, ¶ 20 (11th Dist.). Even if the transcript is subsequently filed and is part of the appellate record, a reviewing court may not rely on the transcript and is limited to considering only the evidence that was before the trial court when ruling on the objections. *J.S.* at *id.*, citing *In re A.K.*, 2017-Ohio-9165, ¶ 17 (8th Dist.).

{¶ 14} In this case, A.H. timely objected to the court's order but failed to file a transcript as required. The trial court noted the absence of a transcript in its judgment entry when it ruled on A.H.'s objections. Accordingly, without a transcript or affidavit, A.H. cannot demonstrate error with respect to factual findings; thus, we must presume regularity of the trial court proceedings and accept that the facts were correctly interpreted. *T.H. v. Villoni*, 2020-Ohio-3767, ¶ 12 (9th Dist.).

{¶ 15} In this case, A.H. summarily contends that the evidence failed to demonstrate a "statutory pattern of conduct" and she further challenged the magistrate's interpretation of the testimony to find that the statutory elements of "knowingly causing mental distress" were satisfied. Because she is challenging the evidence presented, our review is hindered by the lack of a transcript.

{¶ 16} The menacing-by-stalking statute defines "pattern of conduct" as including "two or more actions or incidents closely related in time." R.C. 2903.211(D)(1). The Ohio Supreme Court has explained: "In determining what constitutes a 'pattern of conduct,' the court must consider all actions or incidents, even if some of them, when viewed in isolation, do not seem threatening." *State v. Crawl*, 2025-Ohio-2799, ¶ 15. Moreover, R.C. 2903.211(A)(1) prohibits a person from knowingly causing another person to believe that the offender will cause physical harm or cause mental distress to the person or family or household member.

{¶ 17} The magistrate noted two incidents that occurred approximately two weeks apart, constituting a pattern of conduct. Based on the magistrate's findings, D.G. testified that the first incident occurred on September 3, 2025, when A.H. came to D.G.'s home with a bat that was used in a physical altercation; the second incident occurred two weeks later on September 17 when A.H. drove recklessly, following and chasing D.G.'s vehicle in which the child was seated. According to the magistrate's findings, D.G. testified that she suffered physical harm from the first incident and that she "felt unsafe and worried" when A.H. chased her during the second incident.

{¶ 18} Absent a transcript to review the testimony and evidence regarding the "pattern-of-conduct" finding and the subsequent finding that A.H.'s conduct rose to the level of knowingly causing D.G. to believe A.H. would cause physical harm or mental distress, we must presume regularity of the trial court proceedings and accept that the facts were correctly interpreted. Accordingly, we are constrained to find that the magistrate properly interpreted the evidence presented at trial.

{¶ 19} Regarding A.H.'s contention that the CSPO improperly includes the minor child as a protected person, A.H. makes a conclusory statement that the evidence did not establish that the child was threatened or directly targeted by her. Notwithstanding that we are required to accept the magistrate's findings as true because no transcript was provided, A.H.'s conclusory statement is insufficient to satisfy App.R. 16(A)(7) and her burden on appeal. Therefore, it is summarily rejected.

{¶ 20} Finally, regarding A.H.'s challenge that the CSPO's three-year duration is excessive, we do not find error on the face of the CSPO. Five years is the maximum duration for a CSPO. R.C. 2903.214(E)(2)(a). A.H. has failed to explain why three years is excessive.

{¶ 21} Based on the foregoing, we find no error in the trial court's decision overruling A.H.'s objections and granting D.G.'s petition for a CSPO. A.H.'s assignment of error is overruled.

{¶ 22} Judgment affirmed.

It is ordered that the appellant pay the costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate be sent to said court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

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KATHLEEN ANN KEOUGH, JUDGE

MICHELLE J. SHEEHAN, A.J., and
LISA B. FORBES, J., CONCUR