

STATE OF OHIO)
)ss:
COUNTY OF SUMMIT)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

REGINALD HOLMES

C.A. No. 30378

Appellant

v.

STACY HOLMES (ROGERS)

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF SUMMIT, OHIO
CASE No. DR-2022-03-0497

Appellee

DECISION AND JOURNAL ENTRY

Dated: August 9, 2023

CARR, Judge.

{¶1} Appellant, Reginald Holmes (“Husband”), appeals, pro se, the judgment of the Summit County Court of Common Pleas, Domestic Relations Division. This Court affirms.

I.

{¶2} Husband and Appellee, Stacy Rogers (“Wife”), were married in 2011. Two children were born of the marriage. On March 7, 2022, Husband filed a complaint for divorce. Wife promptly filed an answer and a counterclaim for divorce.

{¶3} At the close of the pleadings, Wife filed a motion for temporary orders seeking spousal support and child support. A magistrate held a temporary orders hearing and subsequently ordered temporary spousal support in the amount of \$1000 per month, but declined to award child support.

{¶4} While the parties reached an agreement with respect to certain issues pertaining to the care of their two children, the vast majority of the issues between the parties were not able to

be resolved. After a final hearing on June 13, 2022, the trial court issued a divorce decree. In addition to dividing marital assets and debts, the trial court ordered Husband to pay Wife a lump sum of \$23,500 within six months of the issuance of the divorce decree, with minimum monthly payments of \$125 to be paid to Wife in the interim. The trial court further allocated parental rights and responsibilities. Husband was ordered to pay a total of \$435 per month in child support. The trial court also included language specifying that the temporary spousal support order would survive the journalization of the divorce decree.

{¶5} On appeal, Husband raises four assignments of error.

II.

ASSIGNMENT OF ERROR I

THE COMMON PLEAS DOMESTIC RELATIONS COURT ERRED ON THE INFORMATION USED IN DETERMINING TEMPORARY SPOUSAL SUPPORT AND NOT ALL FACTORS WERE USED IN DETERMINING THOSE THAT SHOULD HAVE BEEN USED TO DETERMINE IF SPOUSAL SUPPORT SHOULD HAVE BEEN PROVIDED.

ASSIGNMENT OF ERROR II

THE COMMON PLEAS DOMESTIC RELATIONS COURT ERRED ON THE AMOUNT OF THE MARKET VALUE OF THE SAID REAL PROPERTY/IN PROPERTY REAL AT 1035 SKYLAND MACEDONIA, OHIO 44056, WHICH AFFECTED THE CALCULATION OF THE FAMILY SUPPORT AMOUNT IN THE DIVORCE DECREE, WHICH EXCEEDED THE ACTUAL VALUE OF THE REAL PROPERTY AND IN REAL PROPERTY (NOT TO CONSTRUED AS MARITAL PROPERTY/REAL ESTATE) AND THE ASSESSMENT AMOUNT OF THE PARCEL WHICH IN TURN GAVE AN INFLATION MARKET VALUE. (SIC)

ASSIGNMENT OF ERROR III

THE COMMON PLEAS DOMESTIC RELATIONS COURT ERRED BY RULING THAT THE PLAINTIFF-APPELLANT DOESN'T HAVE A SAY IN HOW THE OFFSPRING SHOULD BE RAISED CONCERNING EDUCATION, MEDICAL DECISIONS, LIVING SITUATION, AND OTHER FACTORS IN THE OFFSPRING'S LIFE.

{¶6} In his first three assignments of error, Husband challenges a number of the trial court’s determinations set forth in the divorce decree. Specifically, Husband challenges the amount of the temporary spousal support orders, the characterization and valuation of the marital residence, as well as the determination of parental rights and responsibilities.

{¶7} “It is the appellant’s burden to affirmatively demonstrate error on appeal.” *Mahoney v. Mahoney*, 9th Dist. Medina No. 16CA0061-M, 2017-Ohio-7917, ¶ 9. It is well-settled that the obligation to provide all portions of the record necessary for appellate review falls to the appellant. *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199 (1980). This obligation exists regardless of whether the appellant was represented by counsel below.

{¶8} The record makes clear that the parties appeared for a hearing on Wife’s motion for temporary orders on April 14, 2022. Furthermore, the divorce decree indicates that “[t]his matter came on for final hearing on June 13, 2022[.]” and that both Husband and Wife were present for the hearing. The trial court stated at multiple points in the divorce decree that its findings with respect to contested issues were “[b]ased upon the evidence presented by the parties who appeared[.]” The appellate record does not contain transcripts from any of the parties’ appearances before the trial court. “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 lower court’s proceedings, and affirm.” *Id.* While Husband suggests in his merit brief that the trial court misconstrued certain pieces of evidence, this Court has no way to discern the context in which that the trial court viewed that evidence absent the ability to review the transcripts. Accordingly, under these circumstances, this Court has no choice but to presume regularity with respect to the issues raised in Husband’s first, second, and third assignments of error.

{¶9} Husband’s first, second, and third assignments of error are overruled.

ASSIGNMENT OF ERROR IV

THE COMMON PLEAS DOMESTIC RELATIONS COURT ERRED BY TRYING TO SET AN ORDER WITH A THIRD-PARTY DEBT COLLECTOR IN THE NAME OF THE OHIO CHILD SUPPORT AGENCY OR HEALTH AND HUMAN SERVICES, WHICH IS A DIRECT VIOLATION OF THE SEPARATION OF POWERS.

{¶10} In his final assignment of error, Husband appears to suggest that the trial court violated the separation of powers doctrine by involving the child support office of the Ohio Department of Job and Family Services (“ODJFS”) in its child support calculation. The ODJFS is an administrative agency that performs a variety of functions. R.C. 3119.022 requires the trial court to use the standard worksheet issued by the director of the ODJFS when calculating a child support obligation. On appeal, Husband has neither set forth a coherent argument nor cited legal authority in support of his position that the separation of powers doctrine was violated in this case. App.R. 16(A)(7). Accordingly, Husband cannot prevail on his assignment of error.

{¶11} Husband’s final assignment of error is overruled.

III.

{¶12} Husband’s assignments of error are overruled. The judgment of the Summit County Court of Common Pleas, Domestic Relations Division, is affirmed.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Summit, 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

SUTTON, P. J.
FLAGG LANZINGER, J.
CONCUR.

APPEARANCES:

REGINALD HOLMES, pro se, Appellant.

STACY HOLMES, pro se, Appellee.