

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

Ashley K. Lukac

Court of Appeals No. OT-10-025

Appellee

Trial Court No. 10CV397H

v.

Adam T. Godfrey

DECISION AND JUDGMENT

Appellant

Decided: March 4, 2011

* * * * *

Carl W. Anderson, for appellee.

Adam T. Godfrey, pro se.

* * * * *

SINGER, J.

{¶ 1} This is an appeal from a judgment issued by the Ottawa County Court of Common Pleas, following the court's grant of appellee's request for a civil protection order against appellant. We conclude that we must presume the validity of the trial court's

proceedings and affirm its judgment, because appellant failed to provide a necessary transcript of the civil protection hearing.

{¶ 2} On June 4, 2010, appellee, Ashley Lukac, filed a petition for a civil protection order in the Ottawa County Court of Common Pleas, on behalf of herself and her minor child, against appellant, Adam T. Godfrey, who is apparently the biological father of the child. The trial court's June 15, 2010 judgment entry in the record indicates that the "parties agreed to a consent civil stalking protection order and the parties agree to waive their notice and hearing rights under Civil Rule 53 including the right to request findings of fact and conclusions of law and to file objections to the magistrate's decision in this matter."

{¶ 3} Appellant now appeals from that judgment, essentially arguing that he did not knowingly or intelligently consent to the three year protective order because he did not understand the meaning of the term "coercion."¹

{¶ 4} We note that appellant appeared pro se both on appeal and in the trial court. Although pro se litigants are granted some leeway, they are presumed "to have knowledge of the law and correct legal procedures so that [they] remain subject to the same rules and procedures to which represented litigants are bound. [They are] not given greater rights than represented parties, and must bear the consequences of [their] mistakes." See *Sherlock v. Myers*, 9th Dist. No. 22071, 2004-Ohio-5178, ¶ 3. Therefore,

¹Appellant did not specifically set out an assignment of error, but we construe his brief and arguments to determine the gist of his assignment of error.

we must hold appellant, even though he is representing himself, to the same standard as any party represented by an attorney.

{¶ 5} An appellant has the responsibility of providing the reviewing court with a record of the facts, testimony, and evidentiary matters which are necessary to support the appellant's assignments of error. *Volodkevich v. Volodkevich* (1989), 48 Ohio App.3d 313, 314. If "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." *Knapp v. Edwards Laboratories* (1980), 61 Ohio St.2d 197, 199." *Wozniak v. Wozniak* (1993), 90 Ohio App.3d 400, 409.

{¶ 6} In this case, appellant has failed to provide us with a transcript of the hearing on June 15, 2010. Without such evidence, this court is unable to review whether appellant's waiver of rights and consent to the three year civil protection order were, in fact, intelligently and knowingly made. Therefore, unfortunately, we are constrained to presume the validity of the trial court's proceedings.

{¶ 7} Accordingly, appellant's assignment of error is not well-taken.

{¶ 8} The judgment of the Ottawa County Court of Common Pleas is affirmed. Appellant is ordered to pay the costs of this appeal pursuant to App.R. 24.

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.

Mark L. Pietrykowski, J.

JUDGE

Arlene Singer, J.

JUDGE

Thomas J. Osowik, P.J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.