

magistrate relevant to that fact or an affidavit of that evidence if a transcript is not available." Absent a complete transcript of proceedings in this case, the court is unable to conduct an independent review of all of the evidence in ruling upon the merits of plaintiff's objections. See State ex rel. *Duncan v. Chippewa Twp. Trustees*, 73 Ohio St.3d 728, 730, 1995-Ohio-272; *Wade v. Wade* (1996), 113 Ohio App.3d 414, 418-419; *Ohio Edison Co. v. Gilmore* (1995), 106 Ohio App.3d 6, 10-11; *Zacek v. Zacek* (1983), 11 Ohio App.3d 91, 94.

{¶ 5} Plaintiff also objects to the magistrate's legal conclusions regarding the law of bailments. Plaintiff's objection number 11 states, "*** because plaintiff was forced to leave OCI [Orient Correctional Institution] without all of his property, a bailment certainly existed, contrary to what the magistrate states.

" Plaintiff's objection number 16 states, " [r]egardless of how the magistrate wishes to paint what happened, he is unable to explain this very important fact that does in fact establish a bailment."

{¶ 6} Upon review of the magistrate's decision, the court agrees with the magistrate that plaintiff must demonstrate delivery to defendant in order for a legal duty to arise with regard to the handling and storage of the property. Accordingly, objections numbered 11 and 16 are OVERRULED.

{¶ 7} Upon review of the record, the magistrate's decision, and the objections, the court finds that the magistrate correctly analyzed the issues and applied the law to the facts. Therefore, the objections are OVERRULED and the court adopts the magistrate's decision and recommendation as its own, including the findings of fact and conclusions of law contained therein. Judgment is

rendered in favor of defendant. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

J. CRAIG WRIGHT
Judge

Entry cc:

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