

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Betty A. Austin, :
 :
 Petitioner-Appellee, : No. 19AP-194
 : (C.P.C. No. 19DV-324)
 v. :
 : (ACCELERATED CALENDAR)
 Benjamin Austin, :
 :
 Respondent-Appellant. :

D E C I S I O N

Rendered on September 30, 2019

On brief: *Benjamin Austin*, pro se.

APPEAL from the Franklin County Court of Common Pleas,
Division of Domestic Relations

BROWN, J.

{¶ 1} This is an appeal by respondent-appellant, Benjamin Austin, from a judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations, granting the petition of petitioner-appellee, Betty A. Austin, for a domestic violence civil protection order ("CPO").

{¶ 2} On February 15, 2019, appellee filed a petition seeking an ex parte domestic violence CPO against appellant under R.C. 3113.13. In the addendum to the petition, appellee stated she had received menacing calls from appellant, that he had been physically abusive toward her, and that he had "begun to stalk me." The trial court granted a temporary protection order and set the matter for hearing on February 27, 2019. The trial court subsequently filed an entry granting a continuance until March 19, 2019 to allow appellant to obtain counsel.

{¶ 3} The matter came for hearing before the trial court on March 19, 2019. On that date, the trial court granted a consent agreement and domestic violence CPO, signed by both parties, to be effective until September 19, 2019.

{¶ 4} Appellant has filed a pro se appeal from the judgment of the trial court, setting forth the following assignment of error:

The trial court erred and abused its discretion in granting petitioner's action.

{¶ 5} In his pro se brief, appellant argues "no proof of alleged facts have ever been presented." Appellant further contends he has "never been physically abusive towards [appellee] in 38 yrs.," he has "never struck her," and "[n]o such cases have ever been presented to the court."

{¶ 6} In granting a CPO, "the trial court must find that petitioner has shown by a preponderance of the evidence that petitioner or petitioner's family or household members are in danger of domestic violence." *Felton v. Felton*, 79 Ohio St.3d 34 (1997), paragraph two of the syllabus. This court's review of a trial court's decision granting or denying a protection order "is governed by an abuse of discretion standard." *C.L. v. T.B.*, 10th Dist. No. 18AP-887, 2019-Ohio-1864, ¶ 7.

{¶ 7} Despite appellant's contention that the trial court erred in granting appellee's petition, we are unable to review the merits of his assignment of error as he has failed to provide this court with a transcript of the proceedings on the petition; further, appellant has "failed to avail himself of the procedures provided by the appellate rules in a case where a transcript of proceedings recorded by a court reporter is not available," including the methods provided under App.R. 9(C) and (D). *Eble v. Emery*, 10th Dist. No. 06AP-1007, 2007-Ohio-4857, ¶ 5 (appellant could not demonstrate abuse of discretion by trial court in ruling on CPO where appellant failed to file proper record or statement on appeal pursuant to App.R. 9(C) and (D)).

{¶ 8} In the absence of an adequate record, we "presume the regularity of the trial court's actions." *C.L.* at ¶ 8. Accordingly, we overrule appellant's single assignment of error, and the judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations, is affirmed.

Judgment affirmed.

KLATT, P.J., and BEATTY BLUNT, J., concur.

