

IN THE COURT OF APPEALS OF OHIO  
TENTH APPELLATE DISTRICT

C.H.,	:	
	:	
Petitioner-Appellee,	:	No. 19AP-230 (C.P.C. No. 18CV-8203)
v.	:	
	:	(ACCELERATED CALENDAR)
M.B.,	:	
	:	
Respondent-Appellant.	:	
A.S.,	:	
	:	
Petitioner-Appellee,	:	No. 19AP-232 (C.P.C. No. 18CV-8204)
v.	:	
	:	(ACCELERATED CALENDAR)
M.B.,	:	
	:	
Respondent-Appellant.	:	

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D E C I S I O N

Rendered on September 26, 2019

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**On brief:** *M.B.*, pro se. **Argued:** *M.B.*

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APPEALS from the Franklin County Court of Common Pleas

KLATT, P.J.

{¶ 1} In these consolidated cases, respondent-appellant, M.B., pro se, appeals from judgments of the Franklin County Court of Common Pleas granting civil stalking protection orders ("CSPOs") to petitioners-appellees, A.S. and C.H. Because the record contains no transcript of the trial court's hearing on the petitions, we must overrule appellant's assignments of error and affirm the trial court's judgments.

{¶ 2} On October 1, 2018, appellees filed separate pro se ex parte requests for CSPOs against appellant pursuant to R.C. 2903.214. Finding that appellees had failed to meet the requirements necessary for a finding of immediate and present danger under R.C. 2903.214(D)(1), the magistrate denied the requests, but granted appellees' requests for a full evidentiary hearing.

{¶ 3} At the January 7, 2019 hearing,<sup>1</sup> appellees appeared pro se and provided testimonial and documentary evidence; appellant failed to appear. On March 29, 2019, the trial court issued three-year CSPOs against appellant. Appellant separately appealed the trial court's judgments, and this court consolidated the cases for purposes of appeal.<sup>2</sup> Appellant assigns the following errors for our review:

[I]. The trial court erred and abused its discretion in allowing two thieves to lie their way into a false protective order.

[II]. The court failed to see blatant contradictions between police reports, documents submitted to the prosecutor's office and in court testimony both audio and written.

[III]. The court disregarded the appellant's wife's and own attempts to get a protective order of our own to keep The petitioners away from their house. The court dismissed text messages, home security footage, screenshots of cyber stalking and instigations and threats as well as documentation of them threatening to lie to get a protective order. The appellant and family were told by the magistrate they saw for a rescheduled trial that she didn't want to see them these pieces of potential evidence and that they were irrelevant.

[IV]. The court allowed two thieves to lie their way into a false protective order under oath and have jeopardize the appellants families safety by divulging my address to people who have been documented for sending their family and showing up themselves in front of or on the appellant's place of residence and employment.

(Sic passim.)

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<sup>1</sup> The petitions were consolidated for hearing due to commonality of parties, factual issues, and legal issues. (Mar. 29, 2019 Order of Protection at 2.)

<sup>2</sup> By journal entry filed April 16, 2019, this court sua sponte consolidated the appeals docketed under case Nos. 19AP-230 and 19AP-232 for purposes of record filing, briefing, oral argument, and determination.

{¶ 4} Although appellant's assignments of error do not precisely comply with App.R. 16, we construe them as asserting that the trial court erred in its decision granting appellees' petitions for CSPOs under R.C. 2903.214.

{¶ 5} "R.C. 2903.214 governs the filing of a petition for a CSPO." *Lias v. Beekman*, 10th Dist. No. 06AP-1134, 2007-Ohio-5737, ¶ 13, citing *Podeweltz v. Rieger*, 2d Dist. No. 21725, 2007-Ohio-1513, ¶ 28. "'[R.C. 2903.214] provides that a petitioner seeking a [CSPO] must demonstrate that the respondent engaged in the offense of menacing by stalking, in violation of R.C. 2903.211.'" *Id.*, quoting *Podeweltz* at ¶ 28. The issuance of a CSPO must be supported by a preponderance of the evidence. *Id.*, citing *Jenkins v. Jenkins*, 10th Dist. No. 06AP-652, 2007-Ohio-422, ¶ 17.

{¶ 6} In the present case, the trial court concluded that the appellees proved by a preponderance of the evidence that appellant had engaged in the offense of menacing by stalking in violation of R.C. 2903.211. In so concluding, the trial court found that appellees were credible and noted that appellant had failed to appear and present contradictory evidence at the hearing.

{¶ 7} Whether to grant a CSPO is within the discretion of the trial court. *Lias* at ¶ 11, citing *Jenkins* at ¶ 13. Absent an abuse of that discretion, a reviewing court should not reverse a decision granting a CSPO. *Id.*, citing *Daugherty v. Cross*, 5th Dist. No. 2005-CA-0078, 2006-Ohio-5545, ¶ 19. "Abuse of discretion will not be found where the reviewing court simply could maintain a different opinion were it deciding the issue *de novo*, but rather represents an attitude that is unreasonable, arbitrary, or unconscionable." *McGee v. C & S Lounge*, 108 Ohio App.3d 656, 659 (10th Dist.1996).

{¶ 8} On appeal to this court, appellant must point to evidence in the record demonstrating that the trial court abused its discretion in granting the CSPOs. However, appellant has not provided a transcript of the trial court's hearing on appellees' petitions. Where the record does not include a transcript of the trial court proceedings, "'there is no basis upon which this court can make any finding with respect to the evidence.'" *C.L. v. T.B.*, 10th Dist. No 18AP-887, 2019-Ohio-1864, ¶ 7, quoting *Eble v. Emery*, 10th Dist. No. 06AP-1007, 2007-Ohio-4857, ¶ 9. It is appellant's obligation to provide this court with a transcript of the trial court proceedings. *Id.*; App.R. 9(B). Without a transcript to review

the proceedings before the trial court, we must assume the validity of those proceedings and affirm the trial court's judgments. *Id.* at ¶ 7-8.

{¶ 9} For the foregoing reasons, appellant's assignments of error are overruled, and the judgments of the Franklin County Court of Common Pleas are affirmed.

*Judgments affirmed.*

BROWN and NELSON, JJ., concur.

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