

{¶5} 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. Moreover, the court notes that plaintiff's objection alleging he was handcuffed behind his back during trial has not been substantiated by any evidence. Inasmuch as plaintiff has the burden under Civ.R. 53 of providing the court with evidentiary support for his objections, plaintiff's June 3, 2004, objections are OVERRULED.

{¶6} Upon review of the record and the magistrate's decision, the court finds that the magistrate found the relevant facts, 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.

JOSEPH T. CLARK
Judge

Entry cc:

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