

[Cite as *Cleveland v. Jones*, 2019-Ohio-991.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 107243

CITY OF CLEVELAND

PLAINTIFF-APPELLEE

vs.

THOMAS JONES

DEFENDANT-APPELLANT

JUDGMENT:
AFFIRMED

Criminal Appeal from the
Cleveland Municipal Court
Case No. 2018 CRB 000423

BEFORE: Boyle, J., Kilbane, A.J., and Jones, J.

RELEASED AND JOURNALIZED: March 21, 2019

FOR APPELLANT

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MARY J. BOYLE, J.:

{¶1} Defendant-appellant, Thomas Jones, appeals, pro se, his convictions for animal neglect and tethering an animal. He raises three assignments of error for our review, all of which contest the manifest weight and sufficiency of the evidence supporting his convictions. Because Jones raises factual issues but has failed to file a transcript of the lower court proceedings, we find no merit to his assignments of error and affirm his convictions.

I. Procedural History and Factual Background

{¶2} On January 10, 2018, the city of Cleveland filed a complaint against Jones, containing a count for animal neglect, a first-degree misdemeanor, in violation of city of Cleveland Codified Ordinances 603.091, and a count for tethering an animal, a first-degree misdemeanor, in violation of city of Cleveland Codified Ordinances 603.092. Jones pleaded not guilty.

{¶3} The case proceeded to trial in March 2018. The trial court found Jones guilty of

animal neglect and a lesser-included charge of tethering an animal, a minor misdemeanor.¹ The trial court ordered Jones to pay a \$250 fine for the animal neglect conviction, a \$50 fine for his tethering conviction, and court costs. The trial court ordered that Jones forfeit the dog.

{¶4} It is from this judgment that Jones now appeals.

II. Law and Analysis

{¶5} In his assignments of error, Jones argues that his convictions were based on insufficient evidence and were against the manifest weight of the evidence. Jones is challenging the facts presented at trial; however, Jones failed to file a transcript of the proceedings or an appropriate substitute. That failure is fatal to his appeal.

{¶6} It is well settled that “an appellant bears the burden of providing the reviewing court with a transcript of the proceedings to demonstrate any claimed errors.” *State v. Sovereigns*, 8th Dist. Cuyahoga No. 101185, 2014-Ohio-4094, ¶ 6, citing *State v. Blashaw*, 8th Dist. Cuyahoga No. 98719, 2012-Ohio-6011. “When 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.” *State v. Simmons*, 8th Dist. Cuyahoga No. 100638, 2014-Ohio-3038, ¶ 14, quoting *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 400 N.E.2d 384 (1980). Here, Jones challenges the sufficiency and manifest weight of the evidence presented at trial. Without a transcript or appropriate substitute, however, we have no basis upon which to analyze his assignments of error. Accordingly, we must presume regularity of

¹ In the trial court’s July 6, 2018 judgment entry, the trial court checked the box marked “FG” next to Jones’s charges. In the trial court’s December 10, 2018 judgment entry, the trial court wrote “G” next to Jones’s charges. While those codes are not defined on the trial court’s judgment entries, we find they are sufficient to comply with the requirement that a final entry of conviction set forth the fact of conviction set forth in *State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204, 958 N.E.2d 142.

the lower court's proceedings and affirm the trial court's judgment. Accordingly, we overrule his assignments of error.

{¶7} Judgment affirmed.

It is ordered that appellee recover from appellant the costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the Cleveland Municipal Court to carry this judgment into execution. The defendant's conviction having been affirmed, any bail pending appeal is terminated. Case remanded to the trial court for execution of sentence.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

MARY J. BOYLE, JUDGE

MARY EILEEN KILBANE, A.J., and
LARRY A. JONES, SR., J., CONCUR