[Cite as *Snype v. Cost*, 2012-Ohio-3892.]

IN THE COURT OF APPEALS

ELEVENTH APPELLATE DISTRICT

PORTAGE COUNTY, OHIO

EMELDA SNYPE,	:	**O P I N I O N**
Plaintiff-Appellant,	:	**CASE NO. 2012-P-0001**
- vs -	:	
ANN MORGAN COST, TRUSTEE,	:	
Defendant-Appellee.	:	

Civil Appeal from the Court of Common Pleas, Case No. 2011 CV 1192.

Judgment: Affirmed.

Emelda Snype, pro se, 14837 Detroit Avenue, Suite 208, Lakewood, OH 44107 (Plaintiff-Appellant).

Amelia A. Bower and *David L. Van Slyke*, Plunkett & Cooney, P.C., 300 East Broad Street, Suite 590, Columbus, OH 43215; *Cynthia A. Lammert*, Reminger, 1400 Midland Building, 101 Prospect Avenue, West, Cleveland, OH 44115-1093 (For Defendant-Appellee).

TIMOTHY P. CANNON, P.J.

{¶1} Appellant, acting pro se, appeals from the trial court's December 13, 2011 judgment entry dismissing her complaint for replevin of real property. For the following reasons, we affirm the judgment.

{¶2} Appellant filed a pro se complaint and motion for possession of real property on September 13, 2011. Appellant sought recovery of real estate located at 350 Aberdeen Lane, Aurora, Ohio. Thereafter, appellee filed a motion to dismiss

appellant's complaint. The trial court, in a December 13, 2011 judgment entry granted appellee's motion to dismiss. Appellant filed a notice of appeal and asserts the following assignments of error:

{¶3} [1.] The trial court committed prejudicial error in granting all judgments pertaining to Snype vs. Cost, 11CV01192. At all times relevant to the matter proven by Judge Enlow's own self recusal. Which is an admission of self interest, bias, or prejudice.

{¶4} [2.] The trial court committed prejudicial error in not recusing itself immediately having firsthand knowledge of its own Official Corruption. Providing evidence of multiple accounts of denial of due process of the 14th Amendment of the Constitution.

{¶5} [3.] The trial court committed prejudicial error in granting defendant-appellees' motion for summary judgment, finding that the facts do not support a conclusion of justice being served. Defendants acquiesced when she did not dispute the certified facts in the Judicial Notice. At all times relevant to the judgment of the court's ruling was void. [sic]

{¶6} Preliminarily, we note an appellant carries the burden of affirmatively demonstrating error on appeal. App.R. 9 and 16(A)(7); *State ex rel. Fulton v. Halliday*, 142 Ohio St. 548, 549 (1944). Appellant, a pro se civil litigant, "is bound by the same rules and procedures as litigants who retain counsel." *Miner v. Eberlin*, 7th Dist. No. 08-BE-21, 2009-Ohio-934, ¶11. "'[Pro se civil litigants] are not to be accorded greater rights and must accept the results of their own mistakes and errors.'" *Karnofel v. Cafaro*

Mgt. Co., 11th Dist. No. 97-T-0072, 1998 Ohio App. LEXIS 2910, *6 (June 26, 1998), quoting *Meyers v. First Natl. Bank*, 3 Ohio App.3d 209, 210 (1st Dist.1981).

{¶7} A review of her appellate brief reveals that appellant has failed to comply with App.R. 16: appellant has not cited to any portion of the record to support her assigned errors. Furthermore, the assignments of error in appellant's pro se brief are unintelligible. As a result, this court and appellee are left in the untenable position of having to formulate what each believes the assigned errors to be. In the interest of justice, however, we will attempt to construe appellant's assigned errors.

{¶8} Appellant's first and second assigned errors are interrelated. We will address them in a consolidated fashion. In these two assignments of error, it appears appellant is arguing that Judge Enlow, the trial court judge, was biased and that his recusal was an admission of "self interest, bias, or prejudice." A review of the record does not reveal any support to appellant's argument that Judge Enlow demonstrated bias toward her. Judge Enlow, in a December 19, 2011 judgment entry, sua sponte recused himself in a separate proceeding—the hearing of a motion filed by appellee to determine whether appellant is a vexatious litigator and for sanctions against appellant. The recusal of Judge Enlow in the vexatious litigator hearing does not demonstrate that he carried bias toward appellant in the replevin action. Appellant's first and second assignments of error are without merit.

{¶9} In her third assignment of error, appellant makes numerous assertions including that the evidence demonstrated a pattern of "Federal Rico Activity" and a conspiracy to deny appellant due process of law. Again, appellant does not cite to any

portion of the record to support these contentions, and a review of the record reveals no such evidence. Appellant's third assignment of error is without merit.

{¶10} Based on the opinion of this court, the judgment of the Portage County Court of Common Pleas is hereby affirmed.

CYNTHIA WESTCOTT RICE, J., concurs,

DIANE V. GRENDELL, J., concurs with a Concurring Opinion.

DIANE V. GRENDELL, J., concurs with a Concurring Opinion.

{¶11} I concur with the majority's decision to affirm the judgment of the lower court. I write separately, however, because this conclusion should be reached based on the procedural deficiencies of appellant, Emelda Snype's, brief, and not on the merits of the assignments of error as construed by the majority.

{¶12} The majority correctly states that the arguments asserted by appellant are "unintelligible," which makes it difficult for both this court and the appellee to determine what the appellant intended to argue. A review of the appellant's brief reveals that she does not point to specific errors committed by the court below, but instead makes general statements regarding the unfairness of the court's decision, without giving examples of such incidents. She also fails to cite to the record to support her argument that errors were made by the trial court. After reaching the conclusion that the appellant did not properly explain or support her arguments, this court's analysis should conclude. "[I]f an argument exists that can support appellant's assignments of error, 'it is not this

court's duty to root it out.'" (Citation omitted.) *State v. Herron*, 11th Dist. No. 2009-L-119, et al., 2010-Ohio-2050, ¶ 16.

{¶13} However, instead of finding that the appellant failed to present a cognizable error, the majority attempts to "construe" appellant's "unintelligible" arguments into proper assignments of error and then addresses the merits of such arguments. This court should not root out and address appellant's assignments of error but instead should refuse to consider their "merits." Since this court is not required to assign errors and conduct analysis on behalf of appellants, this court should disregard any assignment of error that fails to comply with App.R. 16(A)(7). That appellate rule requires that an appellant's brief include "[a]n argument containing the contentions of the appellant with respect to each assignment of error presented for review and the reasons in support of the contentions, with citations to the authorities, statutes, and parts of the record on which appellant relies." *Herron* at ¶ 16-17; App.R. 12(A)(2) ("[t]he court may disregard an assignment of error presented for review if the party raising it fails to identify in the record the error on which the assignment of error is based or fails to argue the assignment separately in the brief, as required under App.R. 16(A)").

{¶14} The conclusion that the merits of appellant's argument should not be considered in this case is consistent with prior decisions of this court, which held that it is proper to disregard errors that are not cognizable or supported with citations to the record. *S. Russell v. Upchurch*, 11th Dist. Nos. 2001-G-2395 and 2001-G-2396, 2003-Ohio-2099, ¶ 11 (where appellant failed to support her assertions with references to relevant portions of the record, "this court must disregard appellant's assignments of error pursuant to App.R. 12(A)(2)"); *Tally v. Patrick*, 11th Dist. No. 2008-T-0072, 2009-

Ohio-1831, ¶ 21 (assignment of error was disregarded when appellant "failed to * * * formulate an unambiguous and comprehensible argument" for the court to consider). Since the majority agrees that the errors are unintelligible and not supported with citations to facts in the record, it should not attempt to construe appellant's arguments to consider their merits, but instead disregard these asserted assignments of error.

{¶15} Based on the foregoing, I concur in the majority's decision to affirm, based only on the procedural issues discussed above.