

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

Kimberlee R. Dunbar

Court of Appeals No. L-11-1218

Appellee

Trial Court No. DR 2011-0257

v.

William D. Dunbar, II

DECISION AND JUDGMENT

Appellant

Decided: July 27, 2012

* * * * *

Kimberlee R. Dunbar, pro se.

William D. Dunbar, II, pro se.

* * * * *

SINGER, P.J.

{¶ 1} Appellant, William D. Dunbar, II, appeals from a decision of the Lucas County Court of Common Pleas, Domestic Relations Division, which granted appellee, Kimberly Dunbar, a divorce from appellant. For the reasons that follow, we affirm.

{¶ 2} On March 16, 2011, appellee filed a complaint in divorce against appellant. At the time the complaint was filed, appellant was incarcerated in a state correctional facility. On June 23, 2011, the court granted appellee a divorce and awarded her custody of their minor child. Appellant was awarded his clothing and personal effects. All remaining personal property in appellee's possession was awarded to appellee. Appellant, who remains incarcerated in a state correctional facility, appeals setting forth the following assignments of error:

I. The trial court erred by denying defendant-appellant a fair hearing to contest the plaintiff-appellee's 100% visitation and companionship rights of their minor daughter, thus violating defendant-appellant's rights to due process of law and equal protection under the law in the Ohio Constitution art. I, §16 and art. I. §2 and the United States Constitution Amendment XIV.

II. The trial court erred by denying appellant a fair hearing to contest the award of 100% of the marital assets and property to the plaintiff-appellee, thus violating defendant-appellant's rights to due process of law and equal protection under the law in the Ohio Constitution art. I, §16 and art. I. §2 and the United States Constitution Amendment XIV.

{¶ 3} Appellant's assignments of error will be considered together. Appellant contends that he was denied due process because he was not present at the divorce hearing. Appellant's arguments are without merit. As an incarcerated prisoner, appellant

has no absolute due process right to attend a civil trial to which he is a party. *Lopshire v. Lopshire*, 11th Dist. No. 2008-P-0034, 2008-Ohio-5946, ¶ 35, citing *Mancino v. Lakewood*, 36 Ohio App.3d 219, 221, 523 N.E.2d 332 (8th Dist.1987). See also *Matter of Vandale*, 4th Dist. No. 93CA31, 1993 WL 235599 (June 30, 1993). Accordingly, appellant's two assignments of error are found not well-taken.

{¶ 4} The judgment of the Lucas County Court of Common Pleas, Domestic Relations Division, is affirmed. Appellant is ordered to pay the costs of this appeal pursuant to App.R. 24.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. See also 6th Dist.Loc.App.R. 4.

Peter M. Handwork, J.

Arlene Singer, P.J.

Thomas J. Osowik, J.
CONCUR.

JUDGE

JUDGE

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
<http://www.sconet.state.oh.us/rod/newpdf/?source=6>.