

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Selina Miller,	:	
	:	No. 13AP-115
Petitioner-Appellant,	:	(C.P.C. No. 12MS-264)
(In re: Motion for Leave to File a Lawsuit).	:	(ACCELERATED CALENDAR)
	:	

D E C I S I O N

Rendered on June 28, 2013

Selina Miller, pro se.

PER CURIAM.

{¶ 1} Selina Miller, petitioner-appellant, appeals the judgment of the Franklin County Court of Common Pleas, in which the court denied her motion to obtain leave for filing a new complaint.

{¶ 2} Appellant has been determined to be a vexatious litigator. Therefore, appellant is subject to the requirements of R.C. 2323.52 before she can file an action in the common pleas court. On April 4, 2012, appellant filed a motion to obtain leave for filing a new complaint. The complaint named as defendants numerous persons and/or entities, including a Columbus city prosecutor and the mayor of Columbus, and alleged conspiratorial incidents involving prostitution, Kobe Bryant's proposal to her, a sexually transmitted disease, a woman named "Diamond," a \$1,000,000 payoff, and a murder plot.

{¶ 3} On May 2, 2012, a hearing was held before the trial court. The trial court orally denied the motion at the hearing and issued a decision and entry journalizing such

determination on February 8, 2013. Appellant appeals the judgment of the trial court, asserting the following assignment of error:

The court erred in dismissing Motion, Appellant Selina Miller pointing out genuine issues as material fact for time limitations for vexatious litigator status.

{¶ 4} Appellant argues in her assignment of error that the trial court erred when it denied her motion. However, appellant presents no substantive argument in support of her assertion. We explained to appellant the requirements of a successful appeal in *Miller v. Johnson & Angelo*, 10th Dist. No. 01AP-1210, 2002-Ohio-3681, ¶ 2:

The burden of affirmatively demonstrating error on appeal rests with the plaintiff. App.R. 16(A)(7); App.R. 9; and *State ex rel. Fulton v. Halliday* (1944), 142 Ohio St. 548. Pursuant to App.R. 16(A)(7), plaintiff must present her contentions 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 she relies. It is not the duty of this court to search the record for evidence to support an appellant's argument as to alleged error. *Slyder v. Slyder* (1993), Summit App. No. 16224. Stated alternatively, absent specific references to the record, unsubstantiated assertions cannot be considered on appeal. *Sykes Constr. Co. v. Martell* (1992), Summit App. No. 15034. Finally, we also note that it is not appropriate for this court to construct the legal arguments in support of plaintiff's appeal. "If an argument exists that can support this assignment of error, it is not this court's duty to root it out." *Cardone v. Cardone* (1998), Summit App. No. 18349.

{¶ 5} Notwithstanding the shortcomings of appellant's brief, our review of the record reveals no error by the trial court. R.C. 2323.52(F)(1) provides that, before a person who has been found to be a vexatious litigator may institute any legal proceedings, the person must file a motion for leave to proceed with the court of common pleas that entered the vexatious litigator order. The trial court may grant the person leave only if it is satisfied that the proceedings are not an abuse of process of the court in question and there are reasonable grounds for the proceedings or application. R.C. 2323.52(F)(1).

{¶ 6} In the present case, we have reviewed the transcript of the hearing on appellant's motion, and appellant's grounds for desiring to file the complaint are

extremely confusing. We cannot decipher appellant's concerns. For these reasons, we find the trial court did not err when it denied appellant's motion to obtain leave for filing a new complaint, and appellant's assignment of error is overruled.

{¶ 7} Accordingly, appellant's assignment of error is overruled, and the judgment of the Franklin County Court of Common Pleas is affirmed.

Judgment affirmed.

BROWN, CONNOR, and O'GRADY, JJ., concur.
