

**THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
PORTAGE COUNTY, OHIO**

STATE OF OHIO,	:	O P I N I O N
Plaintiff-Appellee,	:	CASE NO. 2008-P-0084
- vs -	:	
GEORGE F. SKALA,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Portage County Municipal Court, Ravenna Division, Case No. R 2008 CRB 1577.

Judgment: Affirmed.

Victor V. Vigluicci, Portage County Prosecutor, and *Pamela J. Holder*, Assistant Prosecutor, 241 South Chestnut Street, Ravenna, OH 44266 (For Plaintiff-Appellee).

Robert E. Mishler, 8121 Main Street, P.O. Box 326, Garrettsville, OH 44231 (For Defendant-Appellant).

COLLEEN MARY O'TOOLE, J.

{¶1} Appellant, George F. Skala, appeals from the August 11, 2008 judgment entry of the Portage County Municipal Court, Ravenna Division, in which he was sentenced for violating a protection order.

{¶2} On June 16, 2008, appellee, the state of Ohio, filed a complaint against appellant alleging that he violated a term of a protection order, a misdemeanor of the first degree, in violation of R.C. 2919.27.

{¶3} A bench trial was held on August 11, 2008.

{¶4} Pursuant to its August 11, 2008 judgment entry, the trial court found appellant guilty of violating the protection order and sentenced him to a fine of \$100 plus costs and 30 days in jail, suspended on conditions. Appellant's sentence was stayed pending appeal. It is from that judgment that appellant filed the instant appeal, raising the following assignment of error:

{¶5} "The trial court erred to the prejudice of appellant by convicting him where he was not identified as the person who sent the box of items from Put In Bay."

{¶6} Pursuant to App.R. 16(A)(7), an appellant is required to include in his appellate brief "[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."

{¶7} In *Hawkins v. Anchors*, 11th Dist. Nos. 2002-P-0098, 2002-P-0101, and 2002-P-0102, 2004-Ohio-3341, at ¶60, quoting *Village of S. Russell v. Upchurch*, 11th Dist. Nos. 2001-G-2395 and 2001-G-2396, 2003-Ohio-2099, at ¶10, this court stated:

{¶8} "[a]n appellant "bears the burden of affirmatively demonstrating error on appeal." *Concord Twp. Trustees v. Hazelwood Builders* (Mar. 23, 2001), 11th Dist. No. 2000-L-040, 2001 Ohio App. LEXIS 1383. It is not the obligation of an appellate court to search for authority to support an appellant's argument as to an alleged error. See *Kremer v. Cox* (1996), 114 Ohio App.3d 41, 60, *** (***). Furthermore, if an argument exists that can support appellant's assignments of error, "it is not this court's duty to root it out." *Harris v. Nome*, 9th Dist. No. 21071, 2002-Ohio-6994, (***).' (Parallel citations

omitted.)” See, also, *Cominsky v. Malner*, 11th Dist. No. 2005-L-108, 2006-Ohio-6205, at ¶¶36-39; *Bischof v. Mentor Exempted Village School Dist.*, 11th Dist. No. 2007-L-056, 2007-Ohio-6155, at ¶¶24-25; *Parkman Properties, Inc. v. Tanneyhill*, 11th Dist. No. 2007-T-0098, 2008-Ohio-1502, at ¶43-44.

{¶9} In the case sub judice, appellant has failed to support his assertions, and did not set forth a single legal authority to support his contention that the trial court erred by finding that he violated the “no contact” term of the civil protection order. Thus, he clearly did not follow the requirements of App.R. 16(A)(7).

{¶10} In addition, although the state makes reference to transcript pages in its brief, our review of the record before us, as well as the trial court’s docket, establishes that appellant failed to file a transcript of the August 11, 2008 bench trial or an App.R. 9 equivalent. We also note that in his September 12, 2008 notice of appeal, appellant did not check any of the spaces under “TRANSCRIPT INFORMATION – App.R. 9(B)[,]” i.e., whether a partial or complete transcript was ordered, whether a statement pursuant to App.R. 9(C) or (D) was to be prepared in lieu of a transcript, whether either a transcript or statement were unnecessary, or whether a transcript had been completed and made a part of the record.

{¶11} “The duty to provide a transcript for appellate review falls upon the appellant.” *Knapp v. Edwards Laboratories* (1980), 61 Ohio St.2d 197, 199; see, also, App.R. 9(B). Where no record is available, or where the record is incomplete, App.R. 9(C) establishes a procedure which the appellant may follow to complete the record: “[i]f no report of the evidence or proceedings at a hearing or trial was made, or if a transcript is unavailable, the appellant may prepare a statement of the evidence or proceedings

from the best available means ***.” App.R. 9(C) further allows the appellee to object or propose amendments to the appellant’s prepared statement and requires approval by the trial court.

{¶12} Without a transcript or App.R. 9 equivalent, we must presume the regularity of the trial court’s proceedings and affirm. *Knapp*, supra, at 199.

{¶13} For the foregoing reasons, appellant’s sole assignment of error is not well-taken. The judgment of the Portage County Municipal Court, Ravenna Division, is affirmed. It is ordered that appellant is assessed costs herein taxed. The court finds there were reasonable grounds for this appeal.

MARY JANE TRAPP, P.J.,

TIMOTHY P. CANNON, J.,

concur.