

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

JOSEPHINE OBASOGIE,	:	APPEAL NO. C-170096
Plaintiff-Appellee,	:	TRIAL NO. DR1501557
vs.	:	<i>JUDGMENT ENTRY.</i>
BUTLER OBASOGIE,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Butler Obasogie (“husband”) appeals pro se from a decree of divorce entered by the Hamilton County Domestic Relations Court. The decree of divorce incorporated the magistrate’s April 8, 2016 decision on property issues, the trial court’s September 22, 2016 entry designating Josephine Obasogie (“wife”) as the sole residential parent and legal custodian of their son and allowing husband parenting time every Saturday from 9 a.m. to 5 p.m., and the magistrate’s November 7, 2016 decision ordering husband to pay child support in the amount of \$275.69 per month.

In his first assignment of error, husband argues that because he proceeded pro se, the trial court judge and the magistrate should have asked him more

questions and been more flexible in admitting his evidence and addressing his challenges to wife's evidence. He asserts that the magistrate's and the trial judge's failure to treat him accordingly demonstrates that they were biased against him.

Husband points to no evidence or case law in his brief to support his claim. *See* App.R. 16(A)(7). Ohio courts, moreover, have routinely held that pro se litigants are held to the same standards as other litigants and are presumed to know the law and correct procedure. *See Meyers v. First Natl. Bank of Cincinnati*, 3 Ohio App.3d 209, 210, 444 N.E.2d 412 (1st Dist.1981). Thus, pro se litigants "cannot expect or demand special treatment from the judge, who is to sit as impartial arbiter." *Kilroy v. B.H. Lakeshore Co.*, 111 Ohio App.3d 357, 363, 676 N.E.2d 171 (8th Dist.1996). As a result, we overrule his first assignment of error.

In his second assignment of error, husband argues that the trial court erred by designating wife the sole residential and legal custodian of their son and ordering him to pay child support in the amount of \$275.69 per month.

Husband challenges multiple factual findings by the trial court and the magistrate with respect to the custody and child-support determinations. As the appellant, husband bears the burden of ensuring that this court has the materials necessary to review the court's determinations. *See* App.R. 9(B). In this case, a review would require, in addition to the documentary evidence in the record, the testimony presented at the September 7, 2016 custody hearing and the November 1, 2016 child-support hearing. These transcripts are not in the record. Without these transcripts, this court cannot review husband's challenges to the factual findings and must "presume the validity of the lower court's proceedings, and affirm." *See Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199, 400 N.E.2d 384 (1980); *McAndrews v. McAndrews*, 1st Dist. Hamilton No. C-940684, 1996 WL 27970, *2

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(Jan. 24, 1996). Given that the record before us does not support any alleged error, we overrule the second assignment of error, and affirm the judgment of the trial court.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

CUNNINGHAM, P.J., ZAYAS and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on May 9, 2018

per order of the court _____.
Presiding Judge