

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

STATE OF OHIO,	:	APPEAL NO. C-170704
Plaintiff-Appellee,	:	TRIAL NO. 17TRD-38586
vs.	:	
ARLENEA DAVIDSON,	:	<i>JUDGMENT ENTRY.</i>
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 Arlenea Davidson appeals her conviction for improper signal or turn. Davidson challenges the trial court's finding of guilt, alleging it was against the manifest-weight of the evidence. We affirm.

Davidson's assignments of error rely on facts that were introduced at trial before the trial court. However, Davidson failed to properly provide this court with a transcript that includes the testimony and evidence of the trial. Under App.R. 9(B), it is the appellant's responsibility to order the transcript in writing and file a copy of the transcript order with the clerk of the trial court. *See Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199, 400 N.E.2d 384 (1980). App.R. 9 also allows for the submission of a narrative transcript when no verbatim transcript is available, or for the submission of an agreed upon statement of the case. App.R. 9(C) and (D). Davidson failed to file a full transcript or an alternative acceptable under App.R. 9. While Davidson did file a partial transcript, the only part of the trial included is her

closing argument, which is not evidence and thus cannot be considered in evaluating a manifest-weight challenge.

Davidson elected to proceed pro se on appeal. However, Davidson's pro se status does not excuse her failure to properly file a transcript of the proceedings. "As pro se litigants are presumed to have knowledge of correct legal procedure, the Appellate Rules apply equally to the most learned legal counsel and the pro se litigant." *Pasquarella v. Williams*, 7th Dist. Jefferson No. 04JE5, 2004-Ohio-4404, ¶ 12. Therefore, Davidson must comply with the Ohio Rules of Appellate Procedure and file a transcript of the proceedings where her assignments of error are based on evidence produced at trial.

The law is clear that, when necessary portions of the transcript of the proceedings are omitted from the record, the reviewing court has nothing to pass on, and thus the court has no choice but to presume regularity in the lower court's proceedings. *See Knapp* at 199; *see also State v. Render*, 43 Ohio St.2d 17, 21, 330 N.E.2d 690 (1975). Therefore, since the record does not contain a transcript of the witness testimony and evidence introduced at the trial, we must presume regularity in the proceedings below. Accordingly, Davidson's assignments of error are overruled, and the judgment of the trial court is affirmed.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. We will refrain from taxing costs against Appellant.

ZAYAS, P.J., MYERS, and CROUSE, JJ.

To the clerk:

Enter upon the journal of the court on May 24, 2019
per order of the court _____
Presiding Judge