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

HENRIETTA R. STONE (f.k.a. STOKES),	:	APPEAL NO. C-060834 TRIAL NO. DR-0502947
Plaintiff-Appellee,	:	
vs.	:	*JUDGMENT ENTRY.*
ROBERT LEE STOKES,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.[1]

Plaintiff-appellee Henrietta R. Stone (f.k.a. Stokes) and defendant-appellant Robert Lee Stokes were married in 1988 and divorced in 2006. Robert's appeal challenges the trial court's adoption of a magistrate's decision dividing their assets and addressing spousal support. In his assignments of error, Robert contends the trial court erred when it (1) denied his claim for one-half of Henrietta's interest in her pension plan, (2) denied his claim for spousal support, and (3) overruled his objections to the magistrate's findings and decision. We affirm the judgment of the trial court.

A property hearing was held before a Hamilton County magistrate in June

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[1] See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

2006. The magistrate issued a decision, with findings of fact and conclusions of law, to which Robert, acting pro se, timely filed objections. A month later, the trial court held a hearing on the objections. But Robert had failed to file a transcript of the proceedings before the magistrate. The trial court overruled Robert's objections.

A party objecting to a domestic relations magistrate's decision on the basis that any finding or order is unsupported by the evidence or is contrary to the weight of the evidence must submit to the court a typed transcript of all evidence relevant to the findings or order.[2] And Robert's status as a pro se litigant did not obviate the necessity of complying with this requirement. Robert was not entitled to special or preferential treatment because of his pro se status. Pro se civil litigants are bound by the same rules and procedures as those litigants who retain counsel. They are not to be accorded greater rights and must accept the results of their own mistakes and errors.[3]

When the party objecting to a magistrate's decision has failed to provide a transcript of the proceedings, appellate review of the trial court's decision is confined to determining whether the trial court abused its discretion in applying the law to the facts as set forth in the magistrate's decision.[4] In this case, Robert filed objections to the magistrate's decision without filing a transcript to support his objections. Consequently, the trial court could not conduct an independent review of the facts found by the magistrate. Our review convinces us that the trial court did not abuse its discretion in overruling Robert's objections and adopting the magistrate's

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[2] See Loc.R. 8.1 of the Hamilton County Common Pleas Court, Domestic Relations Division; see, also, Civ.R. 53(D)(3)(b)(iii).
[3] See *Meyers v. First Natl. Bank of Cincinnati* (1981), 3 Ohio App.3d 209, 210, 444 N.E.2d 412 citing *Dawson v. Pauline Homes, Inc.* (1958), 107 Ohio App. 90, 154 N.E.2d 164.
[4] See *Wilson v. Wilson* (Sept. 30, 996), 12th Dist. No. CA96-02-014, citing *State ex rel. Duncan v. Chippewa Twp. Trustees*, 73 Ohio St.3d 728, 1995-Ohio-272, 654 N.E.2d 1254.

decision. The assignments of error are overruled. Accordingly, we affirm the trial court's judgment.

Further, a certified copy of this Judgment Entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R.24.

HENDON, P.J., CUNNINGHAM and **DINKELACKER, JJ.**

To the Clerk:

Enter upon the Journal of the Court on July 18, 2007
per order of the Court _____.
Presiding Judge