

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

CLAY B. TAYLOR,	:	APPEAL NO. C-070330
Plaintiff-Appellant,	:	TRIAL NO. 06CV-30105
vs.	:	<i>JUDGMENT ENTRY.</i>
LEVIE SMITH, dba PLATINUM PROPERTY MANAGEMENT,	:	
Defendant-Appellee.	:	

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

Plaintiff-appellant Clay Taylor filed suit against his former landlord, defendant-appellee Levie Smith. Taylor sought \$3,000 in damages for “non-compliance of contractual agreements.” Specifically, Taylor sought the return of his security deposit and property, compensation for bank charges that he had incurred, and payment for repair work that he had performed for Smith.

Smith filed a counterclaim seeking \$1,500 in damages. In the counterclaim, Smith alleged that Taylor owed back rent and resulting late fees, and that Taylor had caused various damage to the apartment. Smith further argued that he had not hired Taylor to do work for him, and that he had not retained possession of Taylor’s property.

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

A municipal court magistrate conducted a detailed hearing during which both Taylor and Smith argued their case and submitted relevant evidence. Following the hearing, the magistrate found in favor of Smith on Taylor's claim. And on Smith's counterclaim, the magistrate found Taylor liable for \$62. Specifically, the magistrate determined that Taylor had failed to pay two months' rent as well as associated late fees. The magistrate did not hold Taylor liable for a majority of the damage alleged, but did find that Taylor was responsible for damage caused to a chandelier in the apartment. The magistrate calculated the amount of \$62 by adding the amount of money owed for rent and damages, less Taylor's security deposit. The trial court adopted the decision of the magistrate.

Taylor has appealed from the trial court's decision. He asserts one assignment of error arguing that the trial court's judgment was in error. Smith has not filed an appellate brief.

We have reviewed the transcript of the proceedings below, as well as all the evidence that was submitted. Following our review of the record, we conclude that the trial court's decision was supported by competent, credible evidence.² For the majority of the damages alleged, the trial court found both Smith and Taylor to be equally credible and did not hold Taylor liable. But the record supported the magistrate's award of damages for the chandelier and the back rent and judgment for Smith on Taylor's original complaint.

Taylor further alleges that the trial court engaged in "closed" meetings with Smith. But the record does not substantiate this allegation. Because the trial court's decision was supported by competent, credible evidence, Taylor's assignment of error is overruled, and the judgment of the trial court is affirmed.

² See *C.E. Morris Co. v. Foley Constr. Co.* (1978), 54 Ohio St.2d 279, 280, 376 N.E.2d 578.

OHIO FIRST DISTRICT COURT OF APPEALS

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.

HILDEBRANDT, P.J., HENDON and DINKELACKER, JJ.

To the Clerk:

Enter upon the Journal of the Court on April 2, 2008
per order of the Court _____.
Presiding Judge