

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

VALISHA D. WILLIAMS,	:	APPEAL NO. C-090572
	:	TRIAL NO. SK-0900332
Petitioner-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
DOMINIQUE TAPPLAR,	:	
	:	
Respondent-Appellant.	:	

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

Petitioner-appellee, Valisha D. Williams, petitioned for a civil protection order (“CPO”) against respondent-appellant, Dominique Tapplar, on behalf of herself and her daughter, Alisha N. Whittle. An ex parte hearing was held, and a protection order was issued on April 13, 2009.

Following a full hearing on June 23, 2009, a magistrate of the common pleas court issued a decision and an interim protection order. No objections to the magistrate’s decision were filed. On July 15, 2009, the trial court adopted the magistrate’s decision and issued a protection order that was to remain in effect until April 12, 2014.

In a single assignment of error, Tapplar now argues that the trial court’s judgment granting the CPO was based upon insufficient evidence.

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

OHIO FIRST DISTRICT COURT OF APPEALS

But Tapplar has not provided a transcript of the trial court proceedings for our review. Because an appellant must demonstrate error by reference to matters in the record from the court below, the duty to provide a transcript for appellate review falls on the appellant.² When the appellate record does not contain a transcript necessary to resolve the assigned errors, an appellate court must presume the validity of the lower court's proceedings and affirm.³ In this case, a transcript of the proceedings in the trial court is necessary to resolve the assignment of error that Tapplar has raised. Accordingly, we overrule the 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.

SUNDERMANN, P.J., HENDON and MALLORY, JJ.

To the Clerk:

Enter upon the Journal of the Court on June 23, 2010
per order of the Court _____
Presiding Judge

² App.R. 9(B); *Knapp v. Edwards Laboratories* (1980), 61 Ohio St.2d 197, 199, 400 N.E.2d 384.
³ *Knapp*, supra.