

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

STATE OF OHIO,	:	APPEAL NO. C-180061
		TRIAL NO. C-17TRD-39701
Plaintiff-Appellee,	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
TYRONE FRANKLIN,	:	
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 Tyrone Franklin appeals pro se from his conviction for speeding. Raising three assignments of error, Franklin contends that the conviction was against the manifest weight of the evidence. For the following reason, we affirm the trial court's judgment.

All of Franklin's assignments of error rely on the testimony presented at the bench trial. Unfortunately, Franklin failed to provide this court with a transcript of the proceedings. Under App.R. 12(A)(2), the appellant bears the burden of "identifying in the record the error on which [an] assignment of error is based." When an assignment of error depends for its resolution upon facts shown in a transcript, the duty to ensure that the transcript is included in the record falls upon the appellant. App.R. 9(B)(1); *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199, 400 N.E.2d 384 (1980).

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When the appellant has failed in his duty to ensure that the record on appeal includes a transcript of proceedings necessary to resolve the assigned errors, a reviewing court must presume the regularity of the lower court's proceedings. *Knapp* at 199. Because Franklin did not file a transcript, we must presume the regularity of the trial court proceedings. *Id.* Accordingly, we overrule all three of his assignments of error and affirm the trial court's judgment.

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.

**MOCK, P.J., ZAYAS and BERGERON, JJ.**

To the clerk:

Enter upon the journal of the court on April 17, 2019  
per order of the court \_\_\_\_\_.

Presiding Judge