

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

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| JOSHUA RUSH, | : | APPEAL NO. C-200225 |
| | : | TRIAL NO. DV-1800224 |
| Petitioner-Appellee, | : | |
| | : | <i>JUDGMENT ENTRY.</i> |
| vs. | : | |
| KAIA KHAMISI, | : | |
| | : | |
| Respondent-Appellant. | : | |

The court sua sponte removes this case from the regular calendar and places it on the court's accelerated calendar, 1st Dist. Loc.R. 11.1.1(A), and this judgment entry is not an opinion of this court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Respondent-appellant Kaia Khamisi appeals from the trial court's entry denying her motion to modify or terminate a domestic violence civil protection order.

Khamisi and petitioner-appellee Joshua Rush share a son, A.K. In March 2018, Rush filed for a domestic violence civil protection order against Khamisi after Khamisi absconded with A.K. from November 2017 until February 2018 while attempting to avoid arrest on a felony indictment. During that time period, Rush was unaware of A.K.'s whereabouts. Following a hearing, a magistrate in the Court of Domestic Relations issued the requested civil protection order. By its terms, the protection order was effective for five years and provided that Khamisi was to have

no contact with A.K. and terminated her parental rights and responsibilities, including custody and visitation, during the life of the order. The trial court adopted the magistrate's entry granting the protection order. Khamisi did not appeal that entry.

In February 2020, Khamisi filed a motion to modify or terminate the protection order. A hearing on Khamisi's motion was held before a different Domestic Relations magistrate, and the motion was denied. The trial court adopted the entry denying Khamisi's motion, and Khamisi filed a notice of appeal from that entry.

On appeal, Khamisi argues in a single assignment of error that the trial court abused its discretion by interfering with her substantive right to parent and to interact with her son and by issuing a restraining order without evidence of abuse. Despite claiming to appeal the trial court's entry denying her motion to modify or terminate the protection order, Khamisi's assignment of error only challenges the trial court's March 2018 entry initially granting the protection order, an entry that she failed to timely appeal and challenge. Khamisi attached the initial entry granting the protection order, rather than the entry denying her motion to modify or terminate the order, to her appellate brief. And although she cites to the transcript from both the hearing on her motion to modify and the hearing on the original motion for a protection order, it is clear that her assignment of error challenges the initial granting of the protection order, rather than the denial of her motion to modify.

Any appeal from the trial court's entry granting the protection order is untimely, as App.R. 4(A) provides that a notice of appeal must be filed within 30 days of the entry of the order being appealed. Further, App.R. 3(D) requires that a

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notice of appeal designate the judgment appealed from. This court has no jurisdiction to review a judgment or entry not designated in a notice of appeal. *State v. Marcum*, 4th Dist. Hocking No. 14CA13, 2014-Ohio-5373, ¶ 17. In this case, Khamisi's notice of appeal indicated that she was appealing from the trial court's entry denying her motion to modify or terminate the protection order.

For these reasons, we affirm the judgment of the trial court. To the extent that Khamisi is complaining about the trial court's granting of the original protection order, we have no jurisdiction to consider her argument because she failed to file a timely appeal regarding that order. And to the extent that she is challenging the denial of her motion to modify or terminate the protection order, Khamisi has presented no assignment of error in support of her argument.

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.

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

To the clerk:

Enter upon the journal of the court on May 26, 2021,
per order of the court _____.
Administrative Judge