

[Cite as *Shaw v. Shaw*, 2011-Ohio-2044.]

IN THE COURT OF APPEALS OF OHIO
TENTH APPELLATE DISTRICT

Beth Shaw,	:	
	:	
Plaintiff-Appellee,	:	
	:	
v.	:	No. 10AP-205
	:	(C.P.C. No. 97DR-09-3723)
Karl Shaw,	:	
	:	(REGULAR CALENDAR)
Defendant-Appellant.	:	

D E C I S I O N

Rendered on April 28, 2011

Edward W. Erfurt, III, for appellee.

Karl Shaw, pro se.

APPEAL from the Franklin County Court of Common Pleas,
Division of Domestic Relations

CONNOR, J.

{¶1} Appearing pro se, appellant, Karl Shaw, appeals from judgment issued by the Franklin County Court of Common Pleas, Division of Domestic Relations finding him in contempt of court. For the reasons that follow, we affirm the judgment.

{¶2} Appellant and appellee, Beth Shaw, were formerly married. Relevant to this appeal, on May 30, 2008, appellee filed a motion for contempt. Also, on June 25, 2008 and July 25, 2008, appellee filed motions for attorney fees. On January 14, 2009 and on June 5, 2009, a magistrate presided over hearings on these motions. On February 5,

2010, the magistrate issued a decision granting appellee's motions. Appellant failed to file objections to the magistrate's decision. Instead, he filed the instant appeal.

{¶3} In this appeal, appellant has not presented an assignment of error in accordance with App.R. 16. Nevertheless, in the interest of justice, we will analyze his challenge to the finding of contempt based upon his admitted failure to pay for a percentage of medical bills for treatment of his children. He also challenges the trial court's decision awarding attorney fees.

{¶4} Having failed to file objections to the magistrate's decision, appellant has waived all but plain error on appeal. See Civ.R. 53(D)(3)(b)(iv). Appellate courts find plain error only in " 'extremely rare circumstances' where the error seriously affects the basic fairness, integrity, or public reputation of the judicial process itself." *Unifund CCR Partners v. Hall*, 10th Dist. No. 09AP-37, 2009-Ohio-4215, ¶22, quoting *Goldfuss v. Davidson*, 79 Ohio St.3d 116, 121, 1997-Ohio-401. Indeed, the plain error doctrine implicates errors in the judicial process where the error is clearly apparent on the face of the record and is prejudicial to the appellant. *Reichert v. Ingersoll* (1985), 18 Ohio St.3d 220, 223; see also *Allegro Realty Advisors, Ltd. v. Orion Assoc., Ltd.*, 8th Dist. No. 87004, 2006-Ohio-4588, ¶56, citing *Goldfuss* at 121 (referring to errors "challenging the legitimacy of the underlying judicial process itself").

{¶5} In this matter, appellant argues that he did not know about the children's medical bills because he did not receive medical invoices. He claims he only received letters from appellee and various explanations of benefits from his insurance company. He claims that he could not trust appellee when she requested payment because she had been untruthful in the past.

{¶6} According to the magistrate's decision, appellant presented these same arguments during the hearings before the magistrate. However, the magistrate found that appellant's testimony lacked credibility. Where a decision turns on the credibility of testimony, and where there exists competent, credible evidence supporting the findings of the trial court, an appellate court must defer to the trial court's findings. *Olentangy Condominium Assn. v. Lusk*, 10th Dist. No. 09AP-568, 2010-Ohio-1023, ¶16, citing *Myers v. Garson*, 66 Ohio St.3d 610, 1993-Ohio-9.

{¶7} We note that appellant has failed to file the transcripts from the hearings before the magistrate. As a result, we cannot find that the record lacks competent, credible evidence supporting the magistrate's decision. *Lusk* at ¶16. Likewise, we cannot find plain error "clearly apparent on the face of the record[.]" *Reichert* at 223. Instead of challenging the judicial process itself, appellant merely challenges the result it produced. These same findings apply equally to appellant's argument with regard to appellee's motion for attorney fees.

{¶8} Based upon the foregoing, we find no plain error based upon the record before us and therefore affirm the judgment rendered by the Franklin County Court of Common Pleas, Division of Domestic Relations.

Judgment affirmed.

BRYANT, P.J., and FRENCH, J., concur.
