

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,
CUYAHOGA COUNTY

J.T. v. J.G., et al.

J.T. v. J.G., 2026-Ohio-1771 · No. 115449 · Decided May 14, 2026

SUMMARY

The Ohio Eighth District Court of Appeals affirmed the denial of J.T.'s petitions for civil stalking protection orders against J.G. and A.S. The court held that J.T. failed to preserve or demonstrate claims concerning the magistrate's alleged bias and could not challenge factual findings without filing a transcript or affidavit of the hearing evidence. The court therefore overruled all three assignments of error and affirmed the trial court's judgment.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Timothy W. Clary; Eileen T. Gallagher, Presiding Judge; Eileen A. Gallagher, Judge
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	May 14, 2026
DOCKET	115449
DISPOSITION	affirmed
PROCEDURAL POSTURE	J.T. appealed the Cuyahoga County Court of Common Pleas' judgment overruling his objections to a magistrate's decision denying his petitions for civil stalking protection orders against J.G. and A.S.
STANDARD OF REVIEW	The appellate court reviewed the trial court's ruling on objections to the magistrate's decision and applied the requirement that factual challenges be supported by a transcript or affidavit. Without such a record, the court presumed regularity and accepted that the trial court correctly interpreted the facts. Claims concerning the magistrate's alleged misconduct were reviewed for preservation and were not considered because they were raised for the first time on appeal.
PRECEDENTIAL VALUE	Published opinion; precedential within the applicable Ohio appellate jurisdiction.
PARTIES	J.T. v. J.G., A.S.

TOPICS

appellate procedure

preservation of error

evidence

civil procedure

standard of review

PRACTICE AREAS

civil protection orders

civil procedure

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the appellate court could review J.T.'s claims that the magistrate was biased or acted improperly when J.T. did not first seek disqualification or otherwise raise those claims in the trial court.
2. Whether the trial court erred in adopting the magistrate's denial of the civil stalking protection orders when J.T. failed to provide a transcript or affidavit supporting his factual objections.
3. Whether the trial court erred in overruling J.T.'s objections to the magistrate's decision.

HOLDINGS

1. The appellate court declined to consider J.T.'s claims of magistrate bias or misconduct because he did not file a motion for disqualification or otherwise raise the issue in the trial court.
2. An appellant cannot challenge the magistrate's factual findings without filing a transcript of the hearing or an affidavit of the evidence with the trial court; absent that record, the appellate court must presume regularity and accept that the facts were correctly interpreted.
3. The trial court did not err in overruling J.T.'s objections to the magistrate's decision denying the civil stalking protection orders.

KEY QUOTATIONS

"Absent a transcript or affidavit, J.T. cannot demonstrate error with respect to factual findings; thus, we must presume regularity of the trial court proceedings and accept that the facts were correctly interpreted."

"Claims that could have been raised and resolved in the trial court cannot be raised for the first time on appeal, and we decline to consider this newly asserted claim."

FACTUAL BACKGROUND

J.T. sought civil stalking protection orders against his former girlfriend, A.S., and her mother, J.G., alleging threats, harassment, menacing conduct, and conduct by third parties allegedly directed by them. The magistrate found that older incidents were too remote to constitute a recent pattern of conduct and that J.T.'s allegations concerning third parties were based on speculation without evidence linking the conduct to the respondents. The respondents denied the allegations, and the magistrate found their testimony more credible than J.T.'s. J.T. did not provide a transcript or affidavit of the hearing evidence with his objections or in the appellate record.

PROCEDURAL HISTORY

J.T. filed petitions for civil stalking protection orders under R.C. 2903.214, and the magistrate issued temporary ex parte orders followed by a full hearing. The magistrate denied the petitions, finding that J.T. failed to prove

menacing by stalking by a preponderance of the evidence, and the trial court adopted the decision and vacated the temporary orders. J.T. filed objections, which the trial court overruled after independent review. On appeal, no transcript or affidavit of the full hearing was included in the record, and the appellate court affirmed.

DISPOSITION

affirmed

CASES CITED

- Cole v. Tubbs, 2016-Ohio-8321 (8th Dist. Dec. 22, 2016)
- Steinglass Mech. v. Warrensville Hts. Bd. of Education, 151 Ohio App.3d 321, 328 (2003)
- Grange Mut. Cas. Co. v. Tackett, 2008-Ohio-631 (11th Dist. Feb. 15, 2008)
- M.J.W. v. T.S., 2019-Ohio-3573 (8th Dist. Sept. 5, 2019)
- Miller v. Shaw, 2009-Ohio-6753 (7th Dist. Dec. 21, 2009)
- Tuuri v. Snyder, 2002-Ohio-2107 (11th Dist. Apr. 30, 2002)
- Newhouse v. Williams, 167 Ohio App.3d 215, 221-222 (2006)
- Insa v. Insa, 2016-Ohio-7425, ¶ 49 (2d Dist. Oct. 21, 2015)
- Darling v. Darling, 2007-Ohio-2938 (7th Dist. June 18, 2007)
- Hill v. Briggs, 111 Ohio App.3d 405, 412 (1996)
- Henderson v. Henderson, 2013-Ohio-2820, ¶ 22 (11th Dist.)
- In re Application of Black Fork Wind Energy, L.L.C., 2013-Ohio-5478, ¶ 22
- Saeed v. Greater Cleveland Regional Transit Auth., 2017-Ohio-935, ¶ 7 (8th Dist.)
- J.P. v. T.H., 2016-Ohio-243, ¶¶ 13, 28 (9th Dist.)
- J.B. v. Harford, 2015-Ohio-13, ¶ 36 (9th Dist.)
- Stalnaker v. Peterson, 2008-Ohio-4329, ¶ 12 (9th Dist.)
- Delitoy v. I. Stylez Hair & Nails Design, Inc., 2020-Ohio-3370, ¶ 21 (8th Dist.)
- Thompson v. Preferred Risk Mut. Ins. Co., 32 Ohio St.3d 340, 342 (1987)
- Citibank v. Masters, 2008-Ohio-1323, ¶ 9 (9th Dist.)
- Mealey v. Mealey, 1996 Ohio App. LEXIS 1828, *2 (9th Dist. May 8, 1996)
- J.S. v. D.L., 2018-Ohio-4775, ¶ 10 (8th Dist.)
- Slepisky v. Slepisky, 2016-Ohio-8429, ¶ 20 (11th Dist.)
- T.H. v. Villoni, 2020-Ohio-3767, ¶ 12 (9th Dist.)

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