

OHIO COURT OF APPEALS, TENTH APPELLATE DISTRICT

Bolden v. Carmona

2026-Ohio-2052 · No. 24AP-723 · Decided June 2, 2026

SUMMARY

The Ohio Tenth District Court of Appeals affirmed the Franklin County Court of Common Pleas' judgment adopting a magistrate's decision denying Jacqueline Carmona's motion to hold Terry A. Bolden in contempt. The court held that Carmona waived all but plain-error review by failing to timely object to the magistrate's decision and that, without a transcript of the magistrate's hearing, the court had to presume the regularity of the lower court's proceedings.

CASE DETAILS

COURT	Ohio Court of Appeals, Tenth Appellate District
WRITING FOR THE COURT	Dorrian, J.; Beatty Blunt, J.; Jamison, J.
JURISDICTION	Ohio Court of Appeals, Tenth Appellate District
DECIDED	June 2, 2026
DOCKET	24AP-723
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment adopting a magistrate's decision denying appellant's motion to hold appellee in contempt in a divorce-related domestic-relations proceeding.
STANDARD OF REVIEW	Because Carmona did not object to the magistrate's decision, appellate review was limited to plain error. Because she failed to provide the transcript necessary to review her factual challenges, the court presumed the regularity and validity of the lower-court proceedings.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Jacqueline Carmona v. Terry A. Bolden

TOPICS

- family law procedure
- appellate procedure
- standard of review
- contempt
- spousal support

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether Carmona preserved her challenges to the magistrate's decision by filing timely written objections.
2. Whether the appellate court could review Carmona's factual and legal assignments of error without a transcript of the magistrate's hearing.
3. Whether the trial court's judgment adopting the magistrate's denial of Carmona's contempt motion should be affirmed.

HOLDINGS

1. A party that fails to file timely objections to a magistrate's decision waives all but plain-error review on appeal.
2. When an appellant challenges factual findings but fails to provide the transcript necessary to review those challenges, the appellate court must presume the regularity and validity of the lower-court proceedings and affirm.

KEY QUOTATIONS

“A party that fails to file objections to a magistrate’s decision waives all but plain error on appeal.” (¶ 7)

“When portions of the transcript necessary for resolution of assigned errors are omitted from the record, the reviewing court has nothing to pass upon and, thus, as to those assigned errors, the court has no choice but to presume the validity of the lower court’s proceedings, and affirm.” (¶ 8)

FACTUAL BACKGROUND

The parties' divorce judgment required Bolden to pay Carmona \$1,300 per month in spousal support for 36 months and addressed Carmona's possession, refinancing, sale, and expenses for the former marital residence. Carmona alleged that Bolden failed to make timely support payments, interfered with the residence transfer, intercepted mail, cashed joint checks, and otherwise violated the judgment. After hearing testimony, the magistrate found that Bolden had made some late support payments but had a defense based on mortgage payments he made when Carmona failed to pay, and that he had ultimately overpaid approximately \$1,400. The magistrate also found insufficient proof of interference with the residence transfer and concluded that depositing an escrow-overage check did not violate a specific court order.

PROCEDURAL HISTORY

Bolden and Carmona's divorce was finalized by an agreed judgment entry in August 2022. Carmona later moved to hold Bolden in contempt for alleged violations involving spousal support and the former marital residence. After an October 29, 2024 hearing, the magistrate denied the motion, and the trial court adopted that decision on November 6, 2024. Carmona appealed, but had not filed timely objections to the magistrate's decision and did not file the required transcript with the appellate court.

DISPOSITION

affirmed

CASES CITED

- Franklin Cty. Children Servs. v. Copley, 2022-Ohio-3406, ¶ 8 (10th Dist.)
- Zukowski v. Brunner, 2010-Ohio-1652, ¶ 8
- Hood v. Hood, 2026-Ohio-1666, ¶¶ 7-9 (10th Dist.)
- McLellan v. McLellan, 2011-Ohio-2418, ¶¶ 7, 9 (10th Dist.)
- Goldfuss v. Davidson, 1997-Ohio-401, syllabus

OPINION

Bolden v. Carmona

2026 Ohio 2052

PER CURIAM.

[Cite as Bolden v. Carmona, 2026-Ohio-2052.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Terry A. Bolden, : Plaintiff-Appellee, : No. 24AP-723 v. : (C.P.C. No. 20DR-2592) Jacqueline
Carmona, : (REGULAR CALENDAR) Defendant-Appellant. :

DECISION

Rendered on June 2, 2026 On brief: Jacqueline Carmona, pro se. Argued: Jacqueline Carmona.
APPEAL from the Franklin County Court of Common Pleas, Division of Domestic Relations
DORRIAN, J. {¶ 1} Defendant-appellant, Jacqueline Carmona, appeals from a November 6, 2024
judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations,
adopting a magistrate's decision denying Carmona's motion for an order holding plaintiff-
appellee, Terry A. Bolden, in contempt. For the following reasons, we affirm. I. Facts and
Procedural History {¶ 2} This case began in August 2020, when Bolden filed a complaint for
divorce. The divorce was finalized pursuant to an agreed judgment entry in August 2022. As
relevant to this appeal, the agreed judgment entry ordered Bolden to pay spousal support of \$1,300
on the first of each month for a period of 36 months. Carmona was permitted to retain the former
marital residence free and clear of any claim from Bolden. She was granted 9 months to refinance
the residence or, if unable to refinance the residence, to list it for sale. During the 9-month period,
Carmona was granted exclusive use of the residence No. 24AP-723 2 and was responsible for
mortgage payments, utilities, taxes, and other expenses associated with it. {¶ 3} On March 20,
2024, Carmona filed a motion for contempt, asserting Bolden had violated the agreed judgment
entry by failing to pay spousal support, interfering with the residence transfer, intercepting mail,
cashing joint checks without Carmona's signature or consent, and sending spousal support late
during family milestones, special events, and holidays. On October 29, 2024, a magistrate

conducted a hearing on Carmona's motion for contempt. The magistrate heard sworn testimony from both parties, and an audio recording of the proceedings was made. Following the hearing, the magistrate issued a decision concluding that Carmona had established by clear and convincing evidence that there were multiple instances when Bolden failed to make his monthly spousal support payment by the first day of the month. However, the magistrate further found that Bolden had a defense based on instances when he made the mortgage payment on the former marital residence because Carmona failed to timely make the payment. The magistrate found that Bolden made pro-rated spousal support payments taking into account the amounts he had paid toward the mortgage, and concluded Bolden had ultimately overpaid by approximately \$1,400. The magistrate concluded Bolden's defense was well-taken and declined to hold him in contempt for failure to make timely spousal support payments. The magistrate also found that Carmona failed to prove her allegations that Bolden interfered with the transfer of the former marital residence by clear and convincing evidence. The magistrate found that Bolden endorsed and deposited one escrow overage refund check in July 2023, but concluded that action did not violate any specific court order. Based on these findings, the magistrate denied Carmona's motion for contempt. Carmona did not file written objections to the magistrate's decision. On November 6, 2024, the trial court issued a judgment entry adopting the magistrate's decision.

II. Assignments of Error {¶ 4} Carmona appeals and assigns the following seven assignments of error for our review: [I.] The trial court abused its discretion by failing to comply with Sup.R. 16(E) where clear evidence of financial coercion and economic control was presented. No. 24AP-723 3 [II.] The court erred by approving a property division that exposed Appellant to foreclosure, contrary to R.C. 3105.171. [III.] The court erred by accepting Appellant's admission of contempt, made under financial duress and without a voluntary, knowing waiver. [IV.] The court erred by failing to recognize Appellee's cashing of the equity check as a fraudulent disposition of assets under R.C. 3105.171(E)(4). [V.] The court erred in reducing the duration and amount of spousal support without considering statutory factors under R.C. 3105.18. [VI.] The court erred by failing to award attorney's fees and costs due to Appellee's repeated noncompliance. [VII.] The court erred by failing to compensate Appellant for consequential damages caused by Appellee's misconduct.

III. Discussion {¶ 5} Two procedural issues prevent us from considering the merits of Carmona's appeal. Although Carmona is representing herself in this matter, pro se litigants are held to the same standards that apply to litigants represented by counsel. *Franklin Cty. Children Servs. v. Copley*, 2022-Ohio-3406, ¶ 8 (10th Dist.), citing *Zukowski v. Brunner*, 2010-Ohio-1652, ¶ 8. {¶ 6} First, Carmona did not timely file objections to the magistrate's decision in the trial court. A party may file written objections within 14 days of the filing of a magistrate's decision. Civ.R. 53(D)(3)(b)(i). The magistrate issued his decision following the October 29, 2024 hearing. The trial court adopted the magistrate's decision fewer than 14 days later, on November 6, 2024, which is permitted under the Civil Rules. Civ.R. 53(D)(4)(e)(i) ("The court may enter a judgment either during the fourteen days permitted by Civ.R. 53(D)(3)(b)(i) for the filing of objections to a magistrate's decision or

after the fourteen days have expired.”). Under such circumstances, a party may still file written objections within the 14-day period following the filing of the magistrate’s decision. Civ.R. 53(D)(3)(b)(i) (“A party may file written objections to a magistrate’s decision within fourteen days of the filing of the decision, whether or not the court has adopted the decision No. 24AP-723 4 during that fourteen-day period as permitted by Civ.R. 53(D)(4)(e)(i).” (Emphasis added.)). When a court has entered judgment during the 14-day period and objections are timely filed, the objections operate as an automatic stay of execution of the judgment until the court disposes of the objections. Civ.R. 53(D)(4)(e)(i). “Therefore, regardless of the trial court’s ruling on the magistrate’s decision, a party must still file objections within 14 days of the filing of the magistrate’s decision.” *Hood v. Hood*, 2026-Ohio-1666, ¶ 7 (10th Dist.). {¶ 7} A party that fails to file objections to a magistrate’s decision waives all but plain error on appeal. *Id.* at ¶ 8. See Civ.R. 53(D)(3)(b)(iv) (“Except for a claim of plain error, a party shall not assign as error on appeal the court’s adoption of any factual finding or legal conclusion, whether or not specifically designated as a finding of fact or conclusion of law under Civ.R. 53(D)(3)(a)(ii), unless the party has objected to that finding or conclusion as required by Civ.R. 53(D)(3)(b).”). “The doctrine of plain error is limited to exceptionally rare cases in which the error, left unobjected to at the trial court, rises to the level of challenging the legitimacy of the underlying judicial process itself.” *McLellan v. McLellan*, 2011-Ohio-2418, ¶ 7 (10th Dist.). See *Goldfuss v. Davidson*, 1997-Ohio-401, syllabus (“In appeals of civil cases, the plain error doctrine is not favored and may be applied only in the extremely rare case involving exceptional circumstances where error, to which no objection was made at the trial court, seriously affects the basic fairness, integrity, or public reputation of the judicial process, thereby challenging the legitimacy of the underlying judicial process itself.”). In this case, Carmona’s brief on appeal does not address the plain error standard or argue that the trial court committed plain error.¹ 1 After filing this appeal, Carmona has attempted to file objections to the magistrate’s decision in the trial court outside the time permitted under Civ.R. 53. Carmona filed the present appeal on December 5, 2024. On January 8, 2025, Carmona moved the trial court for leave to file objections to the magistrate’s decision. The court denied that motion on January 17, 2025, concluding it lacked jurisdiction over objections to the magistrate’s decision because of the pending appeal. Carmona then moved this court to remand the appeal to the trial court; this court issued an order staying the appeal and granting a limited remand to the trial court for the purpose of resolving Carmona’s motion for relief under Civ.R. 60(B). On February 10, 2025, Carmona moved the court for relief from judgment under Civ.R. 60(B), requesting the case be reopened so she could file objections to the magistrate’s decision, and for leave to file objections out of rule. On April 11, 2025, the court denied the motion for leave to file objections out of rule but granted leave to file a motion for relief under Civ.R. 60(B). On May 30, 2025, Carmona filed another motion for leave to file objections out of rule in the court, and a motion for relief under Civ.R. 60(B). On July 10, 2025, the court denied the motion for leave to file objections out of rule, and denied the motion for relief under Civ.R. 60(B), finding there was no basis for relief under

Civ.R. 60(B). No. 24AP-723 5 {¶ 8} Second, Carmona did not file a transcript of the proceedings before the magistrate. To the extent Carmona's arguments relate to the magistrate's factual findings, she was required to file a transcript in the trial court under Civ.R. 53(D)(3)(b)(iii), and with this court under App.R. 9(B). "When portions of the transcript necessary for resolution of assigned errors are omitted from the record, the reviewing court has nothing to pass upon and, thus, as to those assigned errors, the court has no choice but to presume the validity of the lower court's proceedings, and affirm." McLellan at ¶ 9. See Hood at ¶ 9 (noting that without a transcript the appellate court must presume the regularity of the trial court's proceedings and affirm the trial court's decision). In each of the arguments asserted in her appellate brief, Carmona refers to findings made by the magistrate and she frequently refers to specific exhibits from the original hearing and the hearing before the magistrate. Absent a transcript, however, we are unable to review these issues and must affirm the judgment of the trial court based on the presumption of validity in the court below.² {¶ 9} Due to these procedural flaws and Carmona's failure to assert or establish plain error, we must overrule her seven assignments of error. IV. Conclusion {¶ 10} For the foregoing reasons, we overrule Carmona's seven assignments of error and affirm the judgment of the Franklin County Court of Common Pleas, Division of Domestic Relations. Judgment affirmed. BEATTY BLUNT and JAMISON, JJ., concur. 2 We note that on January 24, 2025, Carmona filed in the trial court a transcript of the October 29, 2024 hearing before the magistrate. However, Carmona has not filed a copy of that transcript with this court in the present appeal.