

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

STATE OF OHIO,	:	APPEAL NO. C-150524
Plaintiff-Appellee,	:	TRIAL NO. M15-CRB16972
vs.	:	<i>JUDGMENT ENTRY.</i>
WADE HILL,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist.Loc.R. 11.1.1.

Defendant-appellant Wade Hill was cited for failing to confine his dog in violation of Forest Park Code of Ordinances 96.11, Animals at Large. Following a bench trial, the trial court found him guilty as charged and sentenced him to 30 days' imprisonment, with 30 days suspended, a \$200 fine, and six months of community control. Hill has filed a timely appeal from the trial court's judgment.

In his sole assignment of error, Hill contends that the trial court erred in finding him guilty of the charged offense. He argues that he did not violate the ordinance because he accompanied his dog in "controlled off property activity." Essentially, he contests the weight and sufficiency of the evidence underlying his conviction. But we are unable to review the trial court proceedings because Hill has failed to provide a transcript of the proceedings in the trial court to this court.

The duty to provide a transcript for appellate review falls upon the appellant. When portions of the record necessary for the resolution of assigned errors are

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omitted from the record, a reviewing court has no choice but to presume the validity of the trial court's proceedings. *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199, 400 N.E.2d 384 (1980); *Firststar Bank, N.A. v. First Serv. Title Agency*, 1st Dist. Hamilton No. C-030641, 2004-Ohio-4509, ¶ 6.

Hill also argues that Forest Park Code of Ordinances 96.11 is unconstitutionally vague. But the record does not show that he raised that issue in the trial court. An appellate court will not consider any error which the complaining party failed to call to the attention of the trial court at a time when the error could have been avoided or corrected. *State v. Rogers*, 143 Ohio St.3d 385, 2015-Ohio-2459, 38 N.E.3d 860, ¶ 21. This rule applies to constitutional issues. *State v. Awan*, 22 Ohio St.3d 120, 489 N.E.2d 277 (1986), syllabus.

By failing to raise the vagueness issue in the trial court, Hill forfeited his right to raise the issue on appellate review. *See Rodgers* at ¶ 21. While we may, in our discretion, review the ordinance's constitutionality, we will generally enforce the forfeiture doctrine unless "some extraordinary reason to disregard it" exists. *Id.* at ¶ 22; *State v. Flannery*, 1st Dist. Hamilton No. C-140426, 2015-Ohio-1360, ¶ 7. We find no extraordinary reason to do so in this case. Consequently, we overrule Hill's sole assignment of error and affirm the trial court's judgment.

A certified copy of this judgment entry constitutes the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

CUNNINGHAM, P.J., DEWINE and MOCK, JJ.

To the clerk:

Enter upon the journal of the court on May 18, 2016

per order of the court _____.

Presiding Judge