

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
ERIE COUNTY

Christopher Reeves

Court of Appeals No. E-14-112

Appellant

Trial Court No. 2014-DR-0089

v.

Kelly Rhea Reeves

DECISION AND JUDGMENT

Appellee

Decided: March 6, 2015

* * * * *

Christopher Reeves, pro se.

* * * * *

YARBROUGH, P.J.

I. Introduction

{¶ 1} Appellant, Christopher Reeves, appeals the decision of the Erie County Court of Common Pleas, Domestic Relations Division, dismissing his complaint for divorce. For the following reasons, we affirm.

A. Facts and Procedural Background

{¶ 2} On May 19, 2014, appellant filed his complaint with the trial court, seeking a divorce from appellee, Kelly Rhea Reeves. In his complaint, appellant indicated that he was a resident of the “Federal Correction Complex” located in Coleman, Florida. He also indicated that appellee resided in Sandusky, Ohio. Appellant went on to allege that the trial court retained jurisdiction over the matter under R.C. 3115, et seq.

{¶ 3} Eight days after appellant filed his complaint, the certificate of service was returned to the trial court indicating that the address listed in the complaint does not exist. Upon receiving notice of the failure of service, appellant requested that service be made on appellee at an address located in Sturgis, Kentucky. On July 8, 2014, the United States Postal Service confirmed that it had successfully delivered the service of process to appellee at the Kentucky address.

{¶ 4} On August 4, 2014, appellant requested the trial court to provide him with a copy of the certificate of service evidencing the service of process along with a printout of the docket in this case. The trial court did not respond to appellant’s request. Instead, on August 14, 2014, the trial court issued its decision dismissing the action for improper venue and appellant’s failure to “satisfy numerous other requirement[s] that have been mandated and set forth in Erie County Court of Common Pleas, Domestic Relations Division, Local Rules of Court.” It is from this decision that appellant has filed his timely notice of appeal.

B. Assignment of Error

{¶ 5} On appeal, appellant assigns the following error for our review:

The trial court committed reversible and prejudicial error in dismissing the complaint for divorce.

II. Analysis

{¶ 6} In his sole assignment of error, appellant argues that the trial court erred in sua sponte dismissing his complaint for divorce. In particular, appellant contends that the trial court improperly dismissed the complaint for improper venue based on appellant's failure to allege that he was a resident of Erie County for at least 90 days immediately preceding the filing of the complaint under Civ.R. 3(B)(9). Appellant contends that he should have been permitted to amend the complaint to conform to the requirements of Civ.R. 3(B)(9). To the extent the trial court's dismissal was predicated upon appellant's failure to comply with several local rules, appellant contends that such a dismissal was improper since the court failed to specify the rules that were violated.

{¶ 7} Having considered the record before us, we find that appellant's arguments are without merit. As a threshold issue in this case, we must determine whether the trial court possessed subject matter jurisdiction over this divorce action. Relevant to our analysis, R.C. 3105.03 provides:

The plaintiff in actions for divorce and annulment shall have been a resident of the state at least six months immediately before filing the complaint. Actions for divorce and annulment shall be brought in the

proper county for commencement of action pursuant to the Rules of Civil Procedure. The court of common pleas shall hear and determine the case, whether the marriage took place, or the cause of divorce or annulment occurred, within or without the state.

{¶ 8} The Supreme Court of Ohio has stated that “R.C. 3105.03 creates a strict test of residency, and to file a complaint for divorce in Ohio, a plaintiff must have been a resident of Ohio for six months immediately prior to the filing of the complaint.” *Barth v. Barth*, 113 Ohio St.3d 27, 2007-Ohio-973, 862 N.E.2d 496, paragraph one of the syllabus.

{¶ 9} Here, appellant was clearly not a resident of the state of Ohio when he filed his complaint for divorce, as evidenced by the Florida address he provided in his complaint. Thus, under R.C. 3105.03, the trial court did not possess subject matter jurisdiction over this action. As a result, we conclude that the trial court did not err in dismissing appellant’s complaint for divorce.

{¶ 10} Accordingly, appellant’s sole assignment of error is not well-taken.

III. Conclusion

{¶ 11} For the foregoing reasons, the judgment of the Erie County Court of Common Pleas, Domestic Relations Division, is affirmed. Costs are assessed to appellant pursuant to App.R. 24.

Judgment affirmed.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.
See also 6th Dist.Loc.App.R. 4.

Mark L. Pietrykowski, J.

JUDGE

Stephen A. Yarbrough, P.J.

JUDGE

James D. Jensen, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
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