

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

JOSEPH PAYTON,	:	APPEAL NO.	C-250118
Plaintiff-Appellant,	:	TRIAL NO.	DR-2201703
vs.	:		
REGINA REYNOLDS,	:	<i>JUDGMENT ENTRY</i>	
Defendant-Appellee.	:		

MOORE, Judge.

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

In October 2022, plaintiff-appellant Joseph Payton filed for divorce from defendant-appellee Regina Reynolds, who soon thereafter countersued for divorce. When Payton commenced the action, he was represented by counsel. However, in November 2022, Payton’s counsel withdrew.

On March 16, 2023, the court held a telephone conference with the parties and noted in its scheduling order that Payton confirmed his address, and that he was considering hiring a new attorney. In the court’s scheduling order, it set another telephone conference for April 17 and instructed Payton he would need to join the call if he was not represented by counsel. However, neither Payton nor any attorney for Payton joined the call, and the court’s entry noted it could not reach him.

Payton’s absence from the proceedings continued. The court held two hearings on the parties’ claims, before the magistrate issued her decision. The magistrate’s

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decision ordered that Payton would keep the marital home, but that he would pay Reynolds an equalization payment of \$160,684.88 within three months of the entry of the final divorce decree. Payton did not object to the magistrate's decision, nor did he object to the final divorce decree that was entered in January 2024. In the months following, Reynolds moved for an order from the court to find Payton in contempt for failing to comply with several of the divorce decree's provisions, including Payton's failure to make the equalization payment. On May 11, 2024, Payton was successfully served with the contempt motions by certified mail.

On August 30, 2024, the court held a hearing on Reynold's contempt motions. Again, Payton did not participate. On October 3, 2024, the magistrate entered a decision finding Payton in contempt and ordering him to serve 30 days in jail. However, the magistrate's entry stayed the sentence for a hearing on November 25, 2024, and identified a number of purge conditions Payton could complete to avoid serving the sentence, including paying Reynolds the equalization payment, as well as other miscellaneous payments, in the amount of \$31,478.74. The magistrate's order mandated that Payton appear for the sentencing hearing, however he failed to do so. The court then issued a body attachment order to the Hamilton County Sheriff's Department, which was successfully executed on January 3, 2025.

After retaining counsel, Payton filed a motion titled "Request for Oral Hearing, Motion to set Aside Pursuant to Civ.R. 60(B) and Motion to Release Plaintiff from Incarceration." On January 10, the court published a notice of judicial review on Payton's motion for January 13. Payton was released from custody on February 2, 2025, after having served the full 30-day sentence. On February 25, the court held a hearing on Payton's Civ.R. 60(B) motion and ultimately denied it. This appeal followed.

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Payton now raises two assignments of error, both of which argue that the court erred when it failed to hold a timely hearing on his motion for release and motion to set aside the divorce decree. Payton, on appeal, asks this court to “set aside the court’s entry dated February 25, 2025, and order that a hearing be held to correct the original decree to be consistent with the facts required for equitable relief.”

However, because Payton has served the full term of his contempt sentence, remanding for a hearing would be pointless. A case is moot where it ceases to have a live controversy. *Miami Township Bd. of Trustees v. Weinle*, 2021-Ohio-2284, ¶ 30 (1st Dist.), citing *State ex rel. Yost v. Baumann’s Recycling Ctr., LLC*, 2020-Ohio-1504, ¶ 54 (8th Dist.). “Mootness is a question of justiciability, and ‘[j]urisdiction and justiciability are threshold considerations in every case, without exception.’” *Crissinger v. Christ Hosp.*, 2017-Ohio-9256, ¶ 26 (1st Dist.), quoting *Saqr v. Naji*, 2017-Ohio-8142, ¶ 20 (1st Dist.). If a controversy is moot, then we are barred from exercising jurisdiction over the matter, because to do so would be tantamount to issuing an advisory opinion. *B.G. Staffing, LLC v. Lancesoft Inc.*, 2022-Ohio-2963, ¶ 8 (1st Dist.); *State ex rel. Food and Water Watch v. State*, 2018-Ohio-555, ¶ 29 (recognizing the long standing tenet by which courts shall refrain from issuing advisory opinions). Payton served his sentence, therefore any subsequent hearing challenging the court’s failure to hold a hearing on his contempt incarceration would be moot.

Further, Payton’s conclusory request for “a hearing to correct the original decree” is unpersuasive. The body of Payton’s assignments of error focuses on the court’s failure to timely hold a hearing on his contempt sentence. However, Payton concludes that this court should remand the matter for a hearing to “correct the original decree.” Aside from his contention that he was unrepresented, and that the

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tenets of equity warrant a remand, Payton has failed to put forth a cognizable legal argument that would warrant this relief. Payton had the opportunity to be heard below on his Civ.R. 60(B) motion to set aside the divorce decree, and the court concluded that his arguments were unpersuasive. On appeal, Payton has failed to articulate any specific error in the trial court's judgment on his Civ.R. 60(B) motion.

This court does not put forth legal arguments on behalf of a party where they themselves have failed to do so. *Tirado v. Tirado*, 2025-Ohio-3170, ¶ 28 (1st Dist.), citing *Johnson v. Cincinnati Metro. Hous. Auth.*, 2022-Ohio-26, ¶ 21 (1st Dist.). Payton has failed to argue that the court's denial of his Civ.R. 60(B) motion was erroneous, and we will not do so on his behalf.

Accordingly, Payton's two assignments of error are moot in part, and we decline to address them to the extent that they are moot, and overruled in part. The judgment of the Hamilton County Domestic Relations Court is affirmed.

The court further orders that 1) a copy of this Judgment constitutes the mandate, 2) the mandate be sent to the trial court for execution under App.R. 27, and 3) costs shall be taxed under App.R. 24.

KINSLEY, P.J., and **NESTOR, J.**, concur.

To the clerk:

Enter upon the journal of the court on 12/10/2025 per order of the court.

By: 
Administrative Judge