

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

JAMES MITCHELL,	:	APPEAL NO. C-250397
Plaintiff-Appellee,	:	TRIAL NO. P/24/1075 X
vs.	:	<i>JUDGMENT ENTRY</i>
RANESHA D. HAGGARD,	:	
Defendant-Appellant.	:	

MOORE, Judge.

This court sua sponte removes this cause from the regular calendar and places it on the court’s 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.

A. Mitchell Files a Petition to Set Aside Acknowledgment of Paternity

On July 29, 2024, plaintiff-appellee James Mitchell filed a “Petition to Set Aside Acknowledgment of Paternity” with DNA results excluding him as the father of the child at issue. On October 16, 2024, Mitchell was ordered to pay for another DNA test and to include the proper chain-of-custody form.

On November 25, 2024, Mitchell filed new DNA test results and attached the chain-of-custody documentation. Haggard had filed a motion for a new DNA test on November 13, 2024, challenging the validity of the test results.

During a hearing on December 11, 2024, the magistrate addressed Haggard’s motion for contempt, in which she alleged Mitchell interfered with the magistrate’s order by telling the lab not to include Haggard’s sample in the previous DNA test. The

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magistrate expressed concern regarding Haggard’s assertion, which Mitchell refuted. As a result, the magistrate ordered Haggard to pay for a new DNA test by December 27, 2024. A copy of the test results was to be sent directly to counsel for Mitchell.

Upon agreement of the parties, the magistrate scheduled a 15-minute hearing on the new DNA test results for March 7, 2025. Because Mitchell had “submitted to multiple tests, which all have been challenged by mother,” the magistrate’s entry stated that the DNA results filed by Mitchell in November would be accepted if Haggard failed to pay timely for the new DNA test.

On January 9, 2025, Mitchell filed another notice of DNA test results with chain-of-custody documentation. The results, again, ruled Mitchell out as the child’s father. No other results were filed with the court prior to the March 7, 2025 hearing.

B. The Magistrate Grants Mitchell’s Petition to Disestablish Paternity

During the March 7 hearing, Haggard again challenged the validity of the test results, citing discrepancies in the number of tests done, the type of test done, and as to the bar codes on each parties’ chain-of-custody document. In response, counsel for Mitchell argued that the chain of custody had been established, and that this was the fourth test result that excluded Mitchell as the father.

The magistrate responded that the court uses LabCorp “every single day” and it is a reputable company, and she saw nothing about the fourth DNA test that raised a red flag about the results. The magistrate raised concerns that Haggard had alleged tampering with all four DNA tests and as to any insinuation that counsel for Mitchell would “present something to the Court that is false or inaccurate.” The magistrate found that the results that were received by counsel for Mitchell were from LabCorp.

Haggard provided the magistrate with a document in support of her assertion that there were discrepancies in the bar codes on the parties’ respective copies of the

chain-of-custody documents. The magistrate, however, concluded that she could not consider Haggard’s document as it could not be authenticated.

Counsel for Mitchell stated that he had not seen the document that Haggard provided for the magistrate to consider and requested that it be provided to him if Haggard planned to object to the magistrate’s decision.

The magistrate found that Mitchel had complied with Loc.Juv.R. 35(D)’s requirement to file a chain-of-custody document with DNA test results and had complied with the court’s orders. She explained that the chain of custody—which ensures that the correct person is being tested by matching their fingerprints to their identification—verifies the test results. The magistrate found that Mitchell was not the father of the child at issue and granted Mitchell’s petition.

C. Haggard Objects to the Magistrate’s Decision

On March 21, 2025, Haggard objected to the magistrate’s decision, arguing that the magistrate should have scheduled a final hearing to ensure the test results were correct due to the discrepancy in the bar codes. Haggard stated that no subpoena was sent to LabCorp prior to the March 7 hearing because she had proceeded pro se.

On May 5, 2025, Haggard filed a motion to allow a representative from LabCorp to testify at the hearing on her objection. Citing *Ballenger v. Baxley*, 1987 Ohio App. LEXIS 8219 (2d Dist. July 30, 1987), Haggard contended that, while DNA testing reports may be self-authenticating, foundational evidence must be presented to support the report and there must be some evidence that the test results are reliable. The motion asserted that the magistrate “never took the steps to receive the Lab[]Corp evidence” regarding the out-of-court statement Haggard wished to present as evidence. Haggard argued that, even if the juvenile court accepted the admissibility of

the LabCorp results, it must determine the weight to be given to those results, which cannot be determined without testimony of a LabCorp representative.

D. The Juvenile Court's Entry

The juvenile court conducted an independent review of the record and found that the magistrate properly determined the factual issues and appropriately applied the law, and that the magistrate's decision was supported by the evidence.

The juvenile court denied Haggard's motion to allow testimony from LabCorp as Haggard failed to show that she was unable to present the testimony to the magistrate as required by Juv.R. 40(D)(4)(d). The court found that it was, therefore, not obligated to accept additional evidence on Haggard's objection.

The juvenile court's entry stated that, under R.C. 3119.961(A), the court must grant the relief from paternity requested in the party's motion if (1) the genetic test excluding the movant as the father was administered no more than six months prior to the filing of the motion to disestablish paternity, (2) the movant had not adopted the child, and (3) the child was not conceived as a result of artificial insemination. R.C. 3119.962(A)(1).

The juvenile court found that Mitchell had filed the appropriate petition to set aside his acknowledgment of paternity and submitted a copy of DNA testing results, and the magistrate's orders for additional DNA testing were made in accordance with R.C. 3119.963(A), which permits a court, upon its own motion, to order the parties to submit to further testing. The juvenile court concluded that the January 9, 2025 DNA test results indicated that there is a zero percent probability that Mitchell is the child's father. The court granted Mitchell's petition based on those results, and because the record did not indicate that Mitchell had adopted the child or that the child had been conceived through artificial insemination. *See* R.C. 3119.962(A)(1).

The juvenile court disagreed with Haggard’s assertion that *Ballenger* required the magistrate to hear foundational evidence to support the DNA results. The court concluded that, under *Ballenger*, foundational evidence may be necessary on a case-by-case basis “as opposed to a blanket requirement.” It determined that Haggard was asking the court to reject the DNA testing results based solely upon her allegations of tampering, but she did not move the court to hear testimony in support of this allegation at the March 7 hearing. The court found the DNA test results filed by Mitchell were reliable and trustworthy, and Haggard’s allegations were not sufficient to warrant rejecting them.

The juvenile court denied Haggard’s objection with respect to the disestablishment of paternity between Mitchell and the child at issue. The court found that Haggard’s objection with respect to the magistrate’s failure to address Haggard’s motion for contempt was well-taken but dismissed it as moot based on the court’s judgment as to the paternity issue.

This appeal followed.

Law and Analysis

On appeal, Haggard argues in a single assignment of error that the juvenile court erred in admitting the LabCorp DNA results without sufficient foundational evidence as to the chain of custody. Haggard further asserts that allotting 15 minutes for the hearing was insufficient to permit a LabCorp employee to testify about out-of-court statements made to Haggard, which prevented the court from determining the weight to give to the DNA test results submitted by Mitchell.

As an initial matter, we reject Haggard’s assertion that Mitchell’s January 2025 submission of DNA test results, instead of Haggard, created irregularities with the test results, as it is not supported by any authority. Further, Haggard told the magistrate

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that 15 minutes was sufficient time for the March 7 hearing. Haggard’s remaining arguments are meritless due to her procedural failures below.

R.C. 3111.10(C) provides that, “[i]n an action brought under [R.C. 3111.01 to 3111.18], evidence relating to paternity may include genetic test results, weighted in accordance with evidence, if available, of the statistical probability of the alleged father’s paternity.” The admission of evidence is within the sound discretion of the juvenile court. *In re J.P.*, 2023-Ohio-4816, ¶ 30 (1st Dist.). Accordingly, an appellate court reviews such a decision for an abuse of discretion and proof of material prejudice. *Id.* An abuse of discretion occurs when the juvenile court’s decision is unreasonable, arbitrary, or unconscionable. *Id.*

R.C. 3111.09(A)(1) provides that, in a parentage action initiated under R.C. Ch. 3111, a court may, on its own motion, order “the child’s mother, the child, the alleged father, and any other person who is a defendant in the action to submit to genetic tests.” Here, the magistrate, on her own motion, twice ordered the parties to submit to new DNA testing—the first, because Mitchell had failed to file chain-of-custody documentation, and second, based on Haggard’s assertions that the third DNA test results that Mitchell filed were invalid.

R.C. 3111.12(D) provides that a party must object to the admission of DNA test results within 14 days of either the filing of the results with the court or sending the results to a party or his or her counsel. If no written objection is filed, the DNA results are admissible and the need for foundational testimony or proof of authenticity is obviated. R.C. 3111.12(D).

Therefore, Haggard’s citation to *Ballenger* for the proposition that foundational evidence is required to support DNA test results in this paternity action is misplaced. Haggard’s failure to object to the DNA test results within the 14-day

period as required by R.C. 3111.12(D) is fatal to her challenge to the validity of the fourth DNA test.

Further, Haggard's challenge to the chain of custody of the test results also fails because she did not timely file an objection. In addition, Haggard's challenge is not supported by the record, which shows that Mitchell met the chain-of-custody requirement at least twice—when he filed DNA test results in November 2024, as ordered by the magistrate, and when he filed new DNA test results in January 2025. Because Haggard failed to file a written objection and Mitchell met the procedural requirements to disestablish paternity, the juvenile court did not need foundational testimony to admit the DNA test results.

Finally, Haggard could have subpoenaed the LabCorp representative to testify as to what he or she purportedly told Haggard. Her failure to do so does not constitute error on the part of the trial court.

Accordingly, Haggard's sole assignment of error is overruled.

Conclusion

Haggard failed to follow the procedural requirements to appropriately challenge the validity of the fourth DNA results. Meanwhile, Mitchell followed the procedures and court orders required to have his petition granted. The juvenile court, therefore, did not err by admitting the fourth DNA results. The judgment of the trial 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.

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

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To the clerk:

Enter upon the journal of the court on 2/25/2026 per order of the court.

By:  _____
Administrative Judge