

**IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
ASHTABULA COUNTY, OHIO**

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2011-A-0061
MAURICE MOORE,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Court of Common Pleas, Case No. 2010 CR 00152.

Judgment: Appeal dismissed.

Thomas L. Sartini, Ashtabula County Prosecutor, Ashtabula County Courthouse, 25 West Jefferson Street, Jefferson, OH 44047-1092 (For Plaintiff-Appellee).

Maurice Moore, pro se, Ashtabula County Jail, 25 West Jefferson Street, Jefferson, OH 44047-1092 (Defendant-Appellant).

TIMOTHY P. CANNON, P.J.

{¶1} Appellant, Maurice Moore, pro se, filed a notice of appeal on September 27, 2011. There were multiple documents attached to his notice of appeal; however, there was no attached judgment entry from which he is appealing. A review of the trial court docket reflects that the trial court issued an order on August 23, 2011, which, inter alia, overruled appellant’s motion to dismiss his case, overruled his motion to suppress evidence and statements, and assigned the case for a pretrial/plea date on November 4, 2011, at 2:30 p.m.

{¶2} Pursuant to R.C. 2953.02, a court of appeals only possesses jurisdiction to hear an appeal from a criminal case if the appeal is from a “judgment or final order.”

{¶3} In addition, R.C. 2505.02(B) defines a final appealable order, in part, as the following:

{¶4} “An order is a final order that may be reviewed, affirmed, modified, or reversed, with or without retrial, when it is one of the following:

{¶5} “(1) An order that affects a substantial right in an action that in effect determines the action and prevents a judgment;

{¶6} “(2) An order that affects a substantial right made in a special proceeding or upon a summary application in an action after judgment;

{¶7} “(3) An order that vacates or sets aside a judgment or grants a new trial;

{¶8} “(4) An order that grants or denies a provisional remedy and to which both of the following apply:

{¶9} “(a) The order in effect determines the action with respect to the provisional remedy and prevents a judgment in the action in favor of the appealing party with respect to the provisional remedy.

{¶10} “(b) The appealing party would not be afforded a meaningful or effective remedy by an appeal following final judgment as to all proceedings, issues, claims, and parties in the action. ***”

{¶11} Furthermore, the Supreme Court of Ohio has stated that “in a criminal case there must be a sentence which constitutes a judgment or a final order which amounts ‘to a disposition of the cause’ before there is a basis for appeal.” *State v. Chamberlain* (1964), 177 Ohio St. 104, 106-107.

{¶12} In the instant matter, the trial court has merely issued a pretrial order on appellant's pro se motions. Appellant has been indicted on charges of felonious assault and having weapons while under disability but has not yet been convicted and sentenced by the trial court on those charges. The present appeal is premature since there is no final judgment which could be the subject of an appeal at this time.

{¶13} Accordingly, this appeal is hereby, sua sponte, dismissed for lack of a final appealable order.

DIANE V. GRENDALL, J.,

CYNTHIA WESTCOTT RICE, J.,

concur.