

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

IN THE MATTER OF:	:	MEMORANDUM OPINION
M.N., DELINQUENT CHILD	:	
	:	CASE NO. 2010-G-2962
	:	
	:	
	:	

Criminal Appeal from the Court of Common Pleas, Juvenile Division, Case No. 09 JD 000015.

Judgment: Appeal dismissed.

David P. Joyce, Geauga County Prosecutor, Courthouse Annex, 231 Main Street, Chardon, OH 44024 (For Appellee, State of Ohio).

Donald P. Mitchell, Jr., 3766 Fishcreek Road, #267, Stow, OH 44224 (For Appellant, M.N.).

CYNTHIA WESTCOTT RICE, J.,

{¶1} This matter is before this court upon an appeal filed April 14, 2010, from a March 22, 2010 entry of the Geauga County Court of Common Pleas, Juvenile Division.

The entry indicates as follows:

{¶2} “This matter came on for Disposition Hearing on the 22nd day of March, 2010. [M.N.] having been given due notice of the hearing, did fail to appear. It is therefore ordered that a bench warrant be issued for the arrest of [M.N.], and that he be

required to additionally show cause why he should not be held in contempt of court for failing to appear pursuant to summons.”

{¶3} On April 20, 2010, appellee, State of Ohio, filed a motion to dismiss the appeal as not being a final appealable order.

{¶4} No brief or response in opposition to the motion has been filed.

{¶5} The Ohio Legislature in R.C. 2505.02(B) has set forth six categories of a “final order” for purposes of the constitutional provision, and if a trial court’s judgment satisfies any of the categories, it will be considered a “final order” which can be immediately appealed and reviewed by a court of appeals.

{¶6} R.C. 2505.02(B) states that:

{¶7} “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:

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

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

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

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

{¶12} “(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.

{¶13} “(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.

{¶14} “(5) An order that determines that an action may or may not be maintained as a class action;

{¶15} “(6) An order determining the constitutionality of any changes to the Revised Code ***.”

{¶16} In the present case, appellant is appealing a bench warrant that the trial court issued as a result of his failure to appear at the dispositional hearing. As appellee correctly asserts, the appealed entry does not fit into any of the categories in R.C. 2505.02 for being a final appealable order. See *Pavarini v. Pavarini* (Mar. 26, 1993), 11th Dist. No. 93-G-1750. Therefore, this court lacks jurisdiction.

{¶17} Appellee's motion to dismiss is granted, and the appeal is dismissed.

COLLEEN MARY O'TOOLE, J.,

TIMOTHY P. CANNON, J.,

concur.