

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

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- VS -	:	CASE NO. 2018-P-0066
MICHAEL THOMPSON,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Court of Common Pleas, Case No. 2018 CR 00075.

Judgment: Appeal dismissed.

Victor V. Vigluicci, Portage County Prosecutor, 241 South Chestnut Street, Ravenna, OH 44266 (For Plaintiff-Appellee).

Michael Thompson, pro se, Portage County Jail, 8240 Infirmary Road, Ravenna, OH 44266 (Defendant-Appellant).

DIANE V. GRENDELL, J.

{¶1} Appellant, Michael Thompson, filed a pro se appeal from the trial court's August 23, 2018 judgment entry. At the end of the entry, the court stated the following:

{¶2} “* * * [T]he Court finds that the jury returned a verdict of ‘GUILTY’ to the charge contained in Count One of the Indictment, said charge being ‘Possession of Cocaine’, a felony of the fifth degree, in violation of R.C. 2925.11 AC4a.’

{¶13} “IT IS THEREFORE ORDERED Defendant shall remain in custody and this matter is referred to Portage County Adult Probation for an expedited Statutory Investigation and Report.”

{¶14} R.C. 2505.02(B) defines the types of orders that constitute a final appealable order:

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

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

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

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

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

{¶12} * * *.”

{¶13} In criminal cases, pursuant to R.C. 2953.02, a court of appeals only possesses jurisdiction to hear an appeal if it is from a “judgment or final order.”

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*, 177 Ohio St. 104, 106-107 (1964).

{¶14} Here, there has been no disposition of the underlying case. The court has not made a finding on the verdict, and there is no sentence. The matter was merely referred to the probation department for a Statutory Investigation and Report. Pursuant to Crim.R. 32(C), a criminal judgment must contain the fact of conviction and the court’s sentence. The appeal is premature as neither of the foregoing have been accomplished yet.

{¶15} Accordingly, this appeal is hereby dismissed, sua sponte, for lack of jurisdiction.

CYNTHIA WESTCOTT RICE, J.,

COLLEEN MARY O’TOOLE, J.,

concur.