

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

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NOS. 2019-L-004 2019-L-005
KEVIN F. SULLIVAN,	:	
Defendant-Appellant.	:	

Criminal Appeals from the Willoughby Municipal Court, Case Nos. 2018 CRB 00355 B and 2018 CRB 01014.

Judgment: Appeals dismissed.

Judson J. Hawkins, City of Eastlake Prosecutor, 37811 Lake Shore Boulevard, Eastlake, Ohio 44095 (For Plaintiff-Appellee).

Cory R. Hinton, Hanahan & Hinton, LLC, 8570 Mentor Avenue, Mentor, Ohio 44060 (For Defendant-Appellant).

THOMAS R. WRIGHT, P.J.

{¶1} Appellant was charged with domestic violence, R.C. 2919.25(A), and assault, R.C. 2903.13(A), in case number 18 CBR 00366. He was charged with violating a protection order, R.C. 2919.27(A)(1), in case number 18 CRB 01014.

{¶2} The cases were consolidated for trial only. The jury found appellant guilty of assault and violating a protection order but not guilty of domestic violence. On August 24, 2018, separate judgments were issued finding appellant guilty of assault and violating

a protection order. On September 18, 2018, separate sentencing judgments were issued. The sentencing judgments do not restate the fact of conviction. Appellant separately appealed the sentencing judgments which were consolidated for appeal.

{¶3} “A judgment of conviction shall set forth the fact of conviction and the sentence.” Crim.R. 32(C). A final appealable order does not exist unless the fact of conviction and the sentence are stated in a single judgment. *State v. Lusane*, 11th Dist. Portage No. 2019-P-00027, 2019-Ohio-3549, ¶ 5, citing *State v. Lester*, 130 Ohio St.3d 303; 2011-Ohio-5204, 958 N.E.2d 142, at paragraph one of the syllabus; *State v. Rexrode*, 2017-Ohio-8837, 100 N.E.3d 1089, ¶ 12 (10th Dist.).

{¶4} Because the sentencing judgments do not restate the fact of conviction, the appeals are dismissed for lack of final appealable orders.

CYNTHIA WESTCOTT RICE, J.,

MARY JANE TRAPP, J.,

concur.