

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

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
-vs-	:	CASE NO. 2020-P-0084
ARLEN CHARLES MARTIN,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Portage County Municipal Court, Kent Division, Case No. 2019 CRB 01810 R.

Judgment: Appeal dismissed.

Victor V. Vigluicci, Portage County Prosecutor, and *Theresa M. Scahill*, Assistant Prosecutor, 241 South Chestnut Street, Ravenna, OH 44266 (For Plaintiff-Appellee).

James R. Eskridge, Megargel & Eskridge Co., L.P.A., 231 South Chestnut Street, Ravenna, OH 44266 (For Defendant-Appellant).

MARY JANE TRAPP, P.J.

{¶1} This matter is before this court upon appellee’s April 5, 2021 motion to dismiss the appeal for lack of jurisdiction. No response in opposition to the motion has been filed.

{¶2} On December 5, 2019, appellant entered a plea of no contest and was found guilty of assault. Appellant filed a motion to withdraw his plea on June 18, 2020, which was denied on August 7, 2020. The trial court issued a sentencing judgment on October 9, 2020.

{¶3} Appellee contends that the October 9, 2020 entry is not a final appealable order because it does not contain the fact of conviction.

{¶4} “A judgment of conviction shall set forth the fact of conviction and the sentence.” Crim.R. 32(C). There is no final appealable order unless the fact of conviction and the sentence are stated in a single judgment. *State v. Sullivan*, 11th Dist. Lake Nos. 2019-L-004 and 2019-L-005, 2019-Ohio-4413; *State v. Lusane*, 11th Dist. Portage No. 2019-P-0027, 2019-Ohio-3549, ¶ 5, citing *State v. Lester*, 130 Ohio St.3d 303; 2011-Ohio-5204, at paragraph one of the syllabus.

{¶5} Because the October 9, 2020 entry does not restate the fact of conviction, appellee’s motion to dismiss for lack of jurisdiction is granted.

{¶6} Appeal dismissed.

CYNTHIA WESTCOTT RICE, J.,

THOMAS R. WRIGHT, J.,

concur.