

[Cite as *In re Wright*, 2001-Ohio-2458.]

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
ROSS COUNTY

In the Matter of:
Alex Wright, Joseph Leeth,
Timothy Leeth and Gerald Leeth,

No. 01CA2600

Alleged Dependent Children.

DECISION & JUDGMENT
ENTRY

APPEARANCES:

COUNSEL FOR APPELLANT: Pamela C. Childers, Chillicothe, Ohio

COUNSEL FOR APPELLEE: Steven E. Drotleff, Assistant Prosecuting
Attorney, Chillicothe, Ohio

GUARDIAN AD LITEM: Carl P. Hirsch, Chillicothe, Ohio

COUNSEL FOR APPELLEES
KIMBERLY AND DOUG JARVIS: Stephen S. Gussler, Ashville, Ohio

KLINE, A.J.:

Appellant-Mother, Angela Wright, filed a Motion for Extension of Time in which she asserts that the trial court may have not yet entered a final appealable order in this matter. We agree and for the reasons set forth below, dismiss this appeal.

Appellate courts in Ohio have jurisdiction to review the final orders or judgments of lower courts within their districts. Section 3(B)(2), Article IV, Ohio Constitution; R.C. 2501.02; *Prod. Credit Assn. v. Hedges* (1993), 87 Ohio App.3d 207. See, also, *Kouns v. Pemberton* (1992), 84 Ohio App.3d 499. If an order is not final and appealable pursuant to R.C. 2505.02, a court of

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appeals does not have jurisdiction to consider the matter and it
must be dismissed.

The Magistrate's Order was filed on January 29, 2001. On
January 31, 2001, Wright filed a request for Findings of Fact and
Conclusions of Law and then filed timely objections. On March 2,
2001, the trial court approved the Magistrate's Order without
filing findings of fact and conclusions of law and without
addressing Wright's objections. On March 28, 2001, appellant
filed her notice of appeal from the trial court's March 2, 2001
Entry granting temporary custody of Joseph, Timothy and Gerald
Leeth to Ross County Children's Services and legal custody of
Alex Wright to the child's foster parents. On April 26, 2001,
the Magistrate filed findings of fact and conclusions of law.
Wright then timely filed amended objections. When a timely
motion for findings of fact and conclusions of law has been filed
the time period for filing a notice of appeal does not commence
to run until the trial court files its findings of fact and
conclusions of law. App.R. 4(B)(2). *Walker v. Doup* (1988), 36
Ohio St.3d 229. A review of the record below indicates that the
trial court has not yet entered an order adopting or modifying
the magistrate's findings of facts and conclusions of law or
addressing Wright's objections.

Upon consideration, this court finds that the Entry from
which this appeal is taken is not a final appealable order. This

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appeal is **DISMISSED**.

APPEAL DISMISSED.

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JUDGMENT ENTRY

It is ordered that the **APPEAL BE DISMISSED** and that appellees recover of appellant costs herein taxed.

It is further ordered that a special mandate issue out of this Court directing the Ross County Court of Common Pleas, Juvenile Division to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure. Exceptions.

Harsha, J. and Evans, J. Concur

FOR THE COURT

By: _____
Roger L. Kline, Administrative Judge

RELEASED: 7/17/01

NOTICE TO COUNSEL

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.