

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

STATE OF OHIO,	:	<b>MEMORANDUM OPINION</b>
Plaintiff-Appellee,	:	
- VS -	:	<b>CASE NO. 2010-L-087</b>
SELVIN R. CUNNINGHAM,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Court of Common Pleas, Case No. 05 CR 000675.

Judgment: Appeal dismissed.

*Charles E. Coulson*, Lake County Prosecutor, 105 Main Street, P.O. Box 490, Painesville, OH 44077 (For Plaintiff-Appellee).

*Selvin R. Cunningham*, pro se, PID: 521-832, Lake Erie Correctional Institution, P.O. Box 8000, Conneaut, OH, 44030-8000 (Defendant-Appellant).

CYNTHIA WESTCOTT RICE, J.

{¶1} On July 20, 2010, appellant, Selvin R. Cunningham, pro se, filed a notice of appeal from a judgment entry issued by the Lake County Court of Common Pleas on June 30, 2010.

{¶2} In that entry, the trial court found that appellant's April 28, 2010 "motion to vacate and correct void sentence" was well-taken and granted as to count two of the

indictment, and the motion was not well-taken and was denied as to counts one, three, four, and five. Further, the court ordered that “a resentencing hearing is to be scheduled for Thursday, August 19, 2010 at 8:30 a.m.” A review of the trial court docket reflects that the trial court granted a request for a stay of the proceedings filed by appellant and cancelled the August 19, 2010 resentencing hearing on August 9, 2010.

{¶3} Obviously, at this juncture we have no final appealable order. The trial court has merely granted in part, and denied in part, appellant’s motion to vacate and correct void sentence. The resentencing hearing is the final step in concluding the matter before the trial court which has been stayed as a result of the present appeal and appellant’s request for a stay. This appeal is premature.

{¶4} Appeal dismissed.

DIANE V. GRENDELL, J.,

TIMOTHY P. CANNON, J.,

concur.