

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

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2010-L-120
DAVID A. MULL,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Court of Common Pleas, Case No. 10 CR 000531.

Judgment: Appeal dismissed.

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

David A. Mull, pro se, Lake County Jail, 104 East Erie Street, Painesville, OH 44077 (Defendant-Appellant).

TIMOTHY P. CANNON, J.

{¶1} Appellant, David A. Mull, pro se, filed a notice of appeal on October 13, 2010, from a judgment entry issued by the Lake County Court of Common Pleas on October 8, 2010. The entry reflected the trial court’s decision to continue appellant’s bond for \$2,500 at 10%. The order also states that appellant was to have no contact with Jamie Eck.

{¶1} Pursuant to R.C. 2953.02, a court of appeals only possesses jurisdiction to hear an appeal from a criminal case if the appeal is from a “judgment or final order.”

{¶2} In addition, R.C. 2505.02(B) defines a final appealable order, in part, as the following:

{¶3} “An order is a final order that may be reviewed, affirmed, modified, or reversed, with or without retrial, when it is one of the following:

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

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

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

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

{¶8} “(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.

{¶9} “(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. ***”

{¶10} 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* (1964), 177 Ohio St. 104, 106-107.

{¶11} In the instant matter, the trial court has merely ordered that bond be continued. Since the case has not gone forward on the charges against appellant for

telecommunications harassment, there is presently no judgment which could be the subject of an appeal. Therefore, there is no final appealable order, and this court lacks jurisdiction.

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

DIANE V. GRENDELL, J.,
CYNTHIA WESTCOTT RICE, J.,
concur.