

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

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2015-L-016
JOHN L. TURNER, JR.,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Lake County Court of Common Pleas, Case No. 14 CR 000533.

Judgment: Appeal dismissed.

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

John L. Turner, Jr., pro se, c/o Lake County Jail, 104 East Erie Street, Painesville, OH 44077 (Defendant-Appellant).

CYNTHIA WESTCOTT RICE, J.

{¶1} On February 5, 2015, appellant, John L. Turner, Jr., pro se, filed a notice of appeal from a January 9, 2015 judgment of the Lake County Court of Common Pleas entitled, “Order Ruling on Pending Motions, Continuing Jury Trial, and Setting Hearing on Motion to Suppress.” In that judgment entry, the trial court, inter alia, ruled on more than 50 pretrial motions filed by appellant in his pending criminal case.

{¶2} R.C. 2505.02(B) defines the types of orders that constitute a final appealable order. As pertinent here, this statute provides that a final appealable order is: “(1) An order that affects a substantial right in an action that in effect determines the action and prevents a judgment * * *.”

{¶3} In *State v. Collins*, 24 Ohio St.2d 107, 108 (1970), the Ohio Supreme Court held that the foregoing definition applies to criminal appeals as well as civil.

{¶4} In regard to criminal cases, pursuant to R.C. 2953.02, a court of appeals only possesses jurisdiction to hear an appeal if it is from a “judgment or final order.” 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*, 177 Ohio St. 104, 106-107 (1964).

{¶5} Here, there is nothing in the record which reflects that appellant has been convicted or sentenced in his criminal case. In fact, the court’s judgment in its caption states that it is a ruling on *pending* motions, that it is *continuing the jury trial*, and that it is *setting a hearing* on appellant’s motion to suppress. Thus, on its face, the court’s judgment merely rules on appellant’s pending motions and contains a case management order. The trial court’s judgment is thus interlocutory in nature and not a final appealable order.

{¶6} Because appellant’s criminal case remains pending and there is no conviction or sentence that appellant can appeal at this time, we lack jurisdiction over this matter.

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

TIMOTHY P. CANNON, P.J.,

DIANE V. GRENDELL, J.

concur.