

[Cite as *State v. Mayfield*, 2003-Ohio-2312.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 81924

STATE OF OHIO	:	
	:	ACCELERATED DOCKET
Plaintiff-Appellant	:	
	:	JOURNAL ENTRY
-vs-	:	
	:	AND
IRAN MAYFIELD	:	
	:	OPINION
Defendant-Appellee	:	

Date of Announcement
of Decision: MAY 8, 2003

Character of Proceeding: Criminal appeal from
Court of Common Pleas
Case No. CR-425970

Judgment: Appeal dismissed.

Date of Journalization:

Appearances:

For Plaintiff-Appellant: WILLIAM D. MASON
Cuyahoga County Prosecutor
PAMELA BOLTON, Assistant
Prosecuting Attorney
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For Defendant-Appellee: CAROLYN KAYE RANKE, ESQ.

55 Public Square, #1500
Cleveland, Ohio 44113

JAMES J. SWEENEY, P. J.:

{¶1} This appeal is before the Court on the accelerated docket pursuant to App.R. 11.1 and Loc. App.R. 11.1.

{¶2} We granted the State leave to appeal the final judgment entered against defendant-appellee Iran Mayfield. On appeal, the State challenges the Cuyahoga Court of Common Pleas's decision to accept the defendant's no contest plea to one count of domestic violence, a felony of the fifth degree¹, hear evidence from both parties, and then acquit the defendant of the charge. After careful review, we dismiss the appeal.

{¶3} The record presented to us on appeal reveals the following: In the trial court, defendant pleaded no contest to one count of domestic violence against his wife Betsy Mayfield. After a colloquy complying with Crim.R.11(C), the trial court asked for a statement of the facts, and the State recited facts sufficient to support the charges. Upon completion of the State's statement, the defendant addressed the trial court and related his rendition of the incident. The trial court also heard from the named victim in the indictment. The trial court then found defendant not guilty of domestic violence.

{¶4} The State now appeals this judgment of the trial court and raises a single error for our review.

{¶5} "1. The trial court erred in finding appellee not guilty on a plea of no contest, as it is contrary to law."

¹Defendant has two previous convictions for domestic violence in Cuyahoga County.

{¶6} We will not address the State's assignment of error because we do not have jurisdiction to consider the appeal pursuant to R.C. 2945.67. R.C. 2945.67 provides that a prosecuting attorney may appeal as a matter of right any decision of a trial court in a criminal case except the final verdict of the trial court in a criminal case. *In re: Sebastian Lee* (2001), 145 Ohio App.3d 167, 169.

{¶7} Here, the trial court accepted the defendant's no contest plea and then found him not guilty of domestic violence. Thus, the trial court reached a final verdict in this case, and the State is statutorily precluded from appealing that verdict. *Id.* We cannot review an acquittal, even though erroneously based, without putting the defendant in double jeopardy. *Id.*; see, also, *State v. Ginnard* (Jan. 23, 1992), Cuyahoga App. No. 61964.

Appeal dismissed.

It is ordered that appellee recover of appellant his costs herein taxed.

It is ordered that a special mandate issue out of this Court directing the Court of Common Pleas 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.

COLLEEN CONWAY COONEY, J., and

ANTHONY O. CALABRESE, JR., J., CONCUR.

JAMES J. SWEENEY
PRESIDING JUDGE

N.B. This entry is an announcement of the court's decision. See App.R. 22(B), 22(D) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(E) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(E). See, also, S.Ct.Prac.R. 112, Section 2(A)(1).