

IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
ASHTABULA COUNTY, OHIO

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NOS. 2019-A-0005
	:	2019-A-0006
	:	2019-A-0007
SHEILA M. EYAJAN,	:	2019-A-0008
	:	2019-A-0009
Defendant-Appellant.	:	2019-A-0010

Criminal Appeals from the Ashtabula Municipal Court, Case Nos. 2018 CRB 01444 A, B, C.

Judgment: Appeals dismissed.

Michael Franklin, Ashtabula City Solicitor, and *Lori Lamer*, Assistant Ashtabula City Solicitor, Ashtabula Municipal Court, 110 West 44th Street, Ashtabula, OH 44004 (For Plaintiff-Appellee).

Sheila M. Eyajan, pro se, P.O. Box 790, 10106 Station Road, Northeast, PA 16428 (Defendant-Appellant).

TIMOTHY P. CANNON, J.

{¶1} Appellant, pro se, filed her notices of appeal January 10, 2019. Attached to her notices is a December 13, 2018 “Order for Forensic Examination” issued by the court ordering that the Forensic Psychiatric Center of Northeast Ohio Inc. conduct an examination to determine appellant’s competency to stand trial.

{¶2} Appellant’s original charges of aggravated menacing and resisting arrest have not yet been determined.

{¶3} For the following reasons, this court lacks jurisdiction to consider the appeals.

{¶4} “The Ohio Constitution grants courts of appeals jurisdiction ‘to review and affirm, modify, or reverse judgments or final orders.’” *Smith v. Chen*, 142 Ohio St.3d 411, 2015-Ohio-1480, ¶ 8, quoting Ohio Constitution, Art. IV, Sec. 3(B)(2); 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); R.C. 2505.02.

{¶5} Furthermore, “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).

{¶6} An order finding a party incompetent to stand trial and committing him or her to an institution has been held to be a final appealable order. *State v. Upshaw*, 110 Ohio St.3d 189, 2006-Ohio-4253. Whereas, an order finding a party to be competent to stand to trial is not a final appealable because the party would have an adequate remedy of filing an appeal after disposition of the case. *State v. Shine*, 7th Dist. Mahoning No. 15 MA 0210, 2016-Ohio-1445; *In the Matter of J.W.*, 11th Dist. Geauga No. 2009-G-2939, 2010-Ohio-707.

{¶7} However, in this case, the court merely ordered a competency examination. The examination has not been held, and there has been no disposition of either appellant’s competency or the criminal charges against her. Thus, the appeals are premature.

{¶8} Appeals dismissed, sua sponte, for lack of a final appealable order.

DIANE V. GRENDALL, J.,

CYNTHIA WESTCOTT RICE, J.,

concur.