

[Cite as *State v. Nave*, 2018-Ohio-485.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
Nos. 105286 and 105288

STATE OF OHIO

PLAINTIFF-APPELLEE

vs.

CHRISTOPHER L. NAVE

DEFENDANT-APPELLANT

**JUDGMENT:
DISMISSED**

Criminal Appeal from the
Cuyahoga County Court of Common Pleas
Case Nos. CR-15-600628-C and CR-15-601090-B

BEFORE: E.A. Gallagher, A.J., S. Gallagher, J., and Laster Mays, J.

RELEASED AND JOURNALIZED: February 8, 2018

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EILEEN A. GALLAGHER, A.J.:

{¶1} In this consolidated appeal, defendant-appellant Christopher Nave challenges the imposition of consecutive sentences following his guilty pleas to multiple counts of burglary and theft in Case No. CR-15-601090-B and counts of burglary, theft and receiving stolen property in Case No. CR-15-600628-C. We dismiss these consolidated appeals due to a lack of final appealable orders in both cases.

{¶2} In CR-15-601090 the record reflects that the trial court, at the sentencing hearing, failed to impose individual sentences for each of appellant's six counts of fifth-degree felony theft. The trial court's imposition of a lump-sum sentence on those counts without imposing a specific sentence on each count violates *State v. Saxon*, 109 Ohio St.3d 176, 2006-Ohio-1245, 846 N.E.2d 824, ¶ 9. Because individual sentences were not imposed at the sentencing hearing, a nunc pro tunc entry cannot remedy this omission. We find there is no final appealable order because the trial court's entry was not a final judgment of conviction because it lacks a sentence for each count. *State v. Cousino*, 8th Dist. Cuyahoga No.102388, 2015-Ohio-3587, ¶ 4, citing *State v. Baker*, 119 Ohio St.3d 197, 2008-Ohio-3330, 893 N.E.2d 163, syllabus.

{¶3} In CR-15-600628, the trial court's original sentencing entry of May 10, 2016, failed to set forth the individual sentences imposed on each of appellant's three offenses although the trial court did properly impose individual sentences at the sentencing hearing. The trial court's nunc pro tunc entry of December 14, 2017, does not constitute

a final appealable order because it does not conform to *State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204, 958 N.E.2d 142 and *Baker*.

{¶4} Therefore, both appeals are dismissed for lack of final appealable orders.

It is ordered that appellee recover from appellant the costs herein taxed.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

EILEEN A. GALLAGHER, ADMINISTRATIVE JUDGE

SEAN C. GALLAGHER, J., and
ANITA LASTER MAYS, J., CONCUR