

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

STATE OF OHIO,	:	<b>MEMORANDUM OPINION</b>
Plaintiff-Appellee,	:	
- vs -	:	<b>CASE NO. 2006-L-007</b>
JAY R. VERNON,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Court of Common Pleas, Case No. 95 CR 000397.

Judgment: Appeal dismissed.

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

*Jay R. Vernon*, pro se, PID: 313-537, Marion Correctional Institution, P.O. Box 57, Marion, OH 43301-0057 (Defendant-Appellant).

WILLIAM M. O'NEILL, J.

{¶1} On January 10, 2006, appellant, Jay R. Vernon, pro se, filed a notice of appeal from a January 5, 2006 judgment entry of the Lake County Court of Common Pleas. In that judgment, the trial court denied appellant's motion to dismiss a sexual offender determination hearing. It appears that the entry appealed from is not a final appealable order pursuant to R.C. 2505.02.

{¶2} Generally, an order denying a motion to dismiss is not a final appealable order. *West v. Carfax, Inc.*, 11th Dist. No. 2005-T-0044, 2005 WL 1503722, 2005-Ohio-

3266, at ¶2, citing *Ferrell v. Standard Oil Co. of Ohio* (1984), 11 Ohio St.3d 169. Furthermore, we note that overruling a motion to dismiss on the ground of double jeopardy is also not a final appealable order that may immediately be reviewed upon appeal. *State v. Crago* (1990), 53 Ohio St.3d 243, 244.

{¶3} In the instant matter, the trial court overruled appellant's motion to dismiss on double jeopardy grounds. Therefore, the judgment entry from which this appeal is taken is not a final appealable order pursuant to R.C. 2505.02, and thus, this court does not have jurisdiction to consider the merits of his appeal.

{¶4} Based upon the foregoing analysis, this appeal is hereby sua sponte dismissed for lack of a final appealable order.

{¶5} Appeal dismissed.

DONALD R. FORD, P.J.,

CYNTHIA WESTCOTT RICE, J.,

concur.