

[Cite as *State v. Cooper*, 2005-Ohio-1020.]

[Amended opinion. Please see original at 2005-Ohio-754.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 84716

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	JOURNAL ENTRY
	:	
v.	:	AND
	:	
DARLA COOPER	:	OPINION
	:	
Defendant-Appellant	:	
	:	

DATE: MARCH 9, 2005

JOURNAL ENTRY

JAMES J. SWEENEY, J.:

{¶ 1} The Journal Entry and Opinion of this Court for the above-captioned case released on February 24, 2005, contained an error on page 2. In particular, the first sentence of the fourth full paragraph reads as follows:

{¶ 2} "Crim.R. 32(B) imposes a mandatory duty upon the trial court to set forth the plea, the verdict or findings, and the sentence for each and every criminal charge prosecuted."

{¶ 3} This sentence is hereby corrected to read:

{¶ 4} "Crim.R. 32(C) imposes a mandatory duty upon the trial court to set forth the plea, the verdict or findings, and the sentence for each and every criminal charge prosecuted."

{¶ 5} It is hereby ordered that said Journal Entry and Opinion of February 24, 2005, be amended nunc pro tunc to correct the error on page 2.

{¶ 6} It is further ordered that said Journal Entry and Opinion of February 24, 2005, shall stand in full force and effect in all its particulars.

{¶ 7} The corrected opinion is attached.

JAMES J. SWEENEY
JUDGE

FRANK D. CELEBREZZE, JR., P.J., and
MICHAEL J. CORRIGAN, J., CONCUR.

COUNTY OF CUYAHOGA

NO. 84716

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	JOURNAL ENTRY
	:	
-VS-	:	AND
	:	
DARLA COOPER	:	OPINION
	:	
Defendant-Appellant	:	

Date of Announcement of Decision:	FEBRUARY 24, 2005
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Character of Proceeding:	Criminal appeal from Court of Common Pleas Case No. CR-437384
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Judgment:	APPEAL DISMISSED.
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Date of Journalization:

Appearances:

For Plaintiff-Appellee:	WILLIAM D. MASON Cuyahoga County Prosecutor PINKEY S. CARR, Assistant Prosecuting Attorney 1200 Ontario Street Cleveland, Ohio 44113
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For Defendant-Appellant:	RONALD A. SKINGLE, ESQ. 2450 St. Clair Avenue Cleveland, Ohio 44114
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DARLA COOPER
350 9th Street
Elyria, Ohio 44035

JAMES J. SWEENEY, J.:

{¶ 1} In this appeal, defendant-appellant Darla Cooper claims that the trial court made erroneous evidentiary rulings and that her conviction is not supported by sufficient evidence. We cannot address these errors, however, and must dismiss the appeal for lack of a final order.

{¶ 2} On May 15, 2003, a seven-count indictment was returned against defendant, charging her with three counts of forgery in violation of R.C. 2913.31; three counts of uttering in violation of R.C. 2913.31; and one count of identity theft in violation of R.C. 2913.49.

{¶ 3} On March 19, 2004, the jury returned guilty verdicts on the three counts of forgery and three counts of uttering as charged in the indictment. The identity theft count was dismissed by the trial court pursuant to defendant's Crim.R. 29 motion. Defendant was sentenced to one year of community controlled sanctions and 50 hours of community work service. The order does not state, however, which conviction is subject to community controlled sanctions nor does it impose sentence for the remaining convictions.

{¶ 4} Crim.R. 32(C) imposes a mandatory duty upon the trial court to set forth the plea, the verdict or findings, and the sentence for each and every criminal charge prosecuted. See *State v. Brown* (1989), 59 Ohio App.3d 1, 2; *State v. Hicks*, Cuyahoga App. No. 84418, 2004-Ohio-6113. A trial court's order that fails to impose sentence for an offense for which the offender was found

guilty not only violates this rule, but renders the resultant order non-final and not immediately reviewable. *State v. Hicks*, supra; *State v. Collins* (Oct. 18, 2001), Cuyahoga App. No. 79064.

{¶ 5} Accordingly, this appeal is dismissed.

It is ordered that appellee recover of appellant its 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.

FRANK D. CELEBREZZE, JR., P.J., and
MICHAEL J. CORRIGAN, J., CONCUR.

JAMES J. SWEENEY
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).