

[Cite as *State v. Beauregard*, 2005-Ohio-3722.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NOS. 85402, 85403, 85404 & 85405

STATE OF OHIO :
 :
 Plaintiff-Appellant : JOURNAL ENTRY
 : and
 vs. : OPINION
 :

MICHAEL BEAUREGARD (NO. 85402) :
 KIMAUDURA PULLIE (NO. 85403) :
 MARIE DEARMOND (NO. 85404) :
 SAMUEL TEASLEY (NO. 85405) :
 :
 Defendants-Appellees :

DATE OF ANNOUNCEMENT
 OF DECISION : JULY 21, 2005

CHARACTER OF PROCEEDING: : Criminal appeal from
 : Common Pleas Court
 : Case No. CR-452110

JUDGMENT : DISMISSED.

DATE OF JOURNALIZATION :

APPEARANCES:

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MICHAEL J. CORRIGAN, J.:

{¶ 1} The state appeals from a dismissal of four separate criminal indictments on grounds that it failed to produce at a pretrial an out-of-state witness. We dismiss the appeal for want of a final, appealable order because the order itself is considered to be without prejudice. See *City of Fairview Park v. Fleming* (Dec. 7, 2000), Cuyahoga App. Nos. 77323 and 77324 (dismissal of a criminal complaint cannot be considered a proceeding ancillary to the action; therefore, the dismissal of a criminal complaint, without prejudice, is not a final order, and the court lacks jurisdiction to consider it); *State v. Steel*, Cuyahoga App. No. 85076, 2005-Ohio-2623 at ¶6.

{¶ 2} This appeal is dismissed.

It is, therefore, ordered that appellees recover of appellant their costs herein taxed.

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

MICHAEL J. CORRIGAN
JUDGE

ANTHONY O. CALABRESE, JR., P.J.,

MARY EILEEN KILBANE, J., CONCUR.

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. II, Section 2(A)(1).