

[Cite as *State v. Cornick*, 2013-Ohio-5249.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 99609

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**STATE OF OHIO**

PLAINTIFF-APPELLANT

vs.

**PHILLIP R. CORNICK, ET AL.**

DEFENDANTS-APPELLEES

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**JUDGMENT:  
DISMISSED**

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Criminal Appeal from the  
Cuyahoga County Court of Common Pleas  
Case No. CR-563092

**BEFORE:** Stewart, A.J., Keough, J., and E.T. Gallagher, J.

**RELEASED AND JOURNALIZED:** November 27, 2013

**ATTORNEYS FOR APPELLANT**

Timothy J. McGinty  
Cuyahoga County Prosecutor

BY: Christopher D. Schroeder  
Daniel M. Kasaris  
Matthew E. Meyer  
Assistant County Prosecutors  
The Justice Center  
1200 Ontario Street, 8th Floor  
Cleveland, OH 44113

**ATTORNEYS FOR APPELLEES PHILLIP CORNICK, RICHARD UPCHURCH,  
P & E TECHNOLOGIES, INC. AND VS2 WORLDWIDE COMMUNICATIONS,  
L.L.C.**

Donald J. Malarcik  
The Gothic Building  
54 E. Mill Street, Suite 400  
Akron, OH 44308

Mark E. Schamel  
Cathy A. Hinger  
Joshua D. Greenberg  
Womble, Carlyle, Sandridge & Rice, L.L.P.  
1200 Nineteenth Street, N.W., Suite 500  
Washington, DC 20036

**ATTORNEY FOR APPELLEE GEORGE GEORGEKOPOULOS**

David G. Phillips  
17921 Lakeshore Boulevard  
Cleveland, OH 44119

**ATTORNEY FOR APPELLEE PETE GEORGEKOPOULOS**

Edward A. Heffernan  
Skylight Office Tower

1660 West 2d Street, Suite 410  
Cleveland, OH 44113

**ATTORNEY FOR APPELLEES CHRISTOS KARASARIDES, JR., CKARE  
CORP., AND ELITE ENTERTAINMENT, INC. DBA VS2 MARKETING  
GROUP**

Brian Pierce  
The Gothic Building  
54 East Mill Street, Suite 400  
Akron, OH 44308

**ATTORNEY FOR APPELLEE MICHAEL KOTY**

Gregory S. Robey  
Robey & Robey  
14402 Granger Road  
Maple Hts., OH 44137

**ATTORNEYS FOR APPELLEE MARTIN SARCYK**

Mark R. DeVan  
Steven D. Shafron  
Berkman, Gordon, Murray & DeVan  
55 Public Square, Suite 2200  
Cleveland, OH 44113

**ATTORNEYS FOR APPELLEE NEIL SARCYK**

Clare C. Christie  
Roger M. Synenberg  
Synenberg & Associates, L.L.C.  
55 Public Square, Suite 1200  
Cleveland, OH 44113

MELODY J. STEWART, A.J.:

{¶1} Sua sponte, it appears that the lower court case number listed in the notice of appeal, CR-563092, has been dismissed without prejudice by the court of common pleas because the state of Ohio has reindicted the remaining defendants under a new court of common pleas case number. Our appellate jurisdiction extends only to CR-563092, the case actually appealed to this court. *See Marcum v. Colonial Ins. Co. of Wisconsin*, 10th Dist. Franklin No. 02AP-917, 2003-Ohio-4369, ¶ 20; *State v. Steers*, 4th Dist. Washington No. 11CA33, 2013-Ohio-3266, ¶ 1. Because a dismissal without prejudice is not a final order under R.C. 2505.02, *State v. Craig*, 116 Ohio St.3d 135, 2007-Ohio-5752, 876 N.E.2d 957, ¶ 8, we have no jurisdiction over this interlocutory appeal.

{¶2} Accordingly, the appeal is dismissed.

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

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

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MELODY J. STEWART, ADMINISTRATIVE JUDGE

KATHLEEN ANN KEOUGH, J., and  
EILEEN T. GALLAGHER, J., CONCUR