

[Cite as *State v. Cousino*, 2015-Ohio-3587.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 102388

STATE OF OHIO

PLAINTIFF-APPELLEE

vs.

GREGORY COUSINO

DEFENDANT-APPELLANT

**JUDGMENT:
DISMISSED**

Criminal Appeal from the
Cuyahoga County Court of Common Pleas
Case No. CR-10-534129-A

BEFORE: S. Gallagher, J., E.A. Gallagher, P.J., and Blackmon, J.

RELEASED AND JOURNALIZED: September 3, 2015

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SEAN C. GALLAGHER, J.:

{¶1} Appellant Gregory Cousino appeals the decision of the trial court that imposed a three-year prison term for the violation of community control sanctions. Because there is a lack of a final appealable order, we lack jurisdiction over the matter and must dismiss the appeal.

{¶2} Appellant was subject to a maximum sentence of one year in prison on each of the four counts of criminal nonsupport of dependents for which he was convicted. After violating the terms of community control for a third time, the trial court terminated community control sanctions, sentenced appellant to three years in prison, without specific reference to any count, and informed appellant of the possibility of three years of postrelease control.

{¶3} Appellant argues, and the state concedes, that the trial court failed to make any findings required by R.C. 2929.14 and 2011 Am.Sub.H.B. No. 86 for imposing a consecutive sentence. The state further contends that the trial court may not impose a lump-sum sentence and that the matter must be remanded for the trial court to sentence appellant on each count.

{¶4} We find there is no final appealable order because the trial court's entry was not, in fact, a final judgment of conviction because it does not include the sentence on each count. *See State v. Baker*, 119 Ohio St.3d 197, 2008-Ohio-3330, 893 N.E.2d 163, syllabus. Furthermore, the trial court imposed a lump-sum sentence without being

specific as to the sentence on each of the four counts and how those counts were to run, in violation of *State v. Saxon*, 109 Ohio St.3d 176, 2006-Ohio-1245, 846 N.E.2d 824, ¶ 9.

{¶5} Accordingly, we must dismiss the appeal for a lack of a final appealable order.

It is ordered that appellee recover from appellant costs herein taxed. A
certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules
of Appellate Procedure.

SEAN C. GALLAGHER, JUDGE

EILEEN A. GALLAGHER, P.J., and
PATRICIA ANN BLACKMON, J., CONCUR