

STATE OF OHIO)
)ss:
COUNTY OF LORAIN)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE OF OHIO

C. A. No. 08CA009424

Appellee

v.

PAMELA CARRASQUILLO

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF LORAIN, OHIO
CASE No. 07CR073187

Appellant

DECISION AND JOURNAL ENTRY

Dated: June 29, 2009

BELFANCE, Judge.

{¶1} Pamela Carrasquillo has appealed certain rulings by the Lorain County Court of Common Pleas made during her jury trial. We do not reach the merits of her appeal as we must dismiss for lack of jurisdiction.

I.

{¶2} On April 11, 2007, the Lorain County Grand Jury indicted Carrasquillo on one count of attempted aggravated murder, two counts of attempted murder, and two counts of felonious assault; a firearm specification was also charged with each count. The trial court dismissed both counts of felonious assault and one count of attempted murder. The matter proceeded to a jury trial on one count of attempted aggravated murder and one count of attempted murder, each with a firearm specification. The jury found Carrasquillo guilty on each count and each specification. The trial court sentenced her to ten years incarceration on the attempted aggravated murder charge. The court determined that the attempted murder

conviction was an allied offense and did not sentence Carrasquillo on that count. She also received an additional three-year sentence on the firearm specification convictions.

II.

{¶3} Carrasquillo assigns four errors with respect to rulings made by the trial court during her trial and argues that she received ineffective assistance of counsel during the trial. Before we can address her assignments of error, we must determine whether she has appealed from a final appealable order. *State v. Hayes* (May 24, 2000), 9th Dist. No. 99CA007416, at *1 (“This court is required to raise jurisdictional issues involving final appealable orders *sua sponte* * * *.”)

{¶4} The Ohio Constitution limits this Court’s appellate jurisdiction to the review of final judgments or orders of lower courts. Section 3(B)(2), Article IV, Ohio Constitution. The Supreme Court of Ohio has held that a reviewing court should consider the definition of final order as provided in R.C. 2505.02 when deciding whether a criminal judgment entry is a final appealable order. *State v. Baker*, 119 Ohio St.3d 197, 2008-Ohio-3330, at ¶6. R.C. 2505.02 states in pertinent part:

“(B) An order is a final order that may be reviewed, affirmed, modified, or reversed, with or without retrial, when it is one of the following:

“(1) An order that affects a substantial right in an action that in effect determines the action and prevents a judgment;

Furthermore, Crim.R. 32(C) provides:

“A judgment of conviction shall set forth the plea, the verdict or findings, and the sentence. If the defendant is found not guilty or for any other reason is entitled to be discharged, the court shall render judgment accordingly. The judge shall sign the judgment and the clerk shall enter it on the journal. A judgment is effective only when entered on the journal by the clerk.”

Accordingly, the Ohio Supreme Court recently held that a judgment entry of a criminal conviction is a final appealable order pursuant to R.C. 2505.02 when it contains: “(1) the guilty

plea, the jury verdict, or the finding of the court upon which the conviction is based; (2) the sentence; (3) the signature of the judge; and (4) entry on the journal by the clerk of court.” *Baker* at ¶18. This Court has also held that the requirements for a final appealable order apply to specifications attendant to convictions. *Hayes* at *1. See, also, *State v. Hamrick* (June 2, 1993), 5th Dist. No. CA-3675, at *1.

{¶5} On March 21, 2008, Carrasquillo was convicted by a jury of one count of attempted aggravated murder with a firearm specification, and one count of attempted murder, also with a firearm specification. On June 6, 2008, the trial court filed its judgment entry of conviction bearing the signature of the judge. The entry states in item one:

“Defendant appeared in court for sentencing after having plead guilty to, and been found guilty of the following charges:

“ * * *

“1. Attempted Aggravated Murder, * * *;

“2. Attempted Murder, * * * .”

In another section, Carrasquillo’s sentence is listed as ten years for attempted aggravated murder and “no conviction or sentence” for the charge of attempted murder as an allied offense of attempted aggravated murder. In item seven, entitled “FIREARM SPECIFICATION” the judge has indicated a sentence of three years incarceration. However, the judgment entry does not contain any indication that Carrasquillo was charged with any firearm specifications, nor does the court’s judgment entry contain a guilty plea, jury verdict, or finding of the court on which the firearm specification sentence is based. See *Baker* at ¶18. In light of the above, the trial court’s judgment entry of conviction does not satisfy the requirements of a final appealable order. Thus, this Court is without jurisdiction to consider Carrasquillo’s appeal.

III.

{¶6} We dismiss this appeal for lack of subject matter jurisdiction.

Appeal dismissed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Lorain, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(E). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

EVE V. BELFANCE
FOR THE COURT

WHITMORE, J.
DICKINSON, P. J.
CONCUR

APPEARANCES:

MARK B. MAREIN, and STEVEN L. BRADLEY, Attorneys at Law, for Appellant.

DENNIS WILL, Prosecuting Attorney and BILLIE JO BELCHER, Assistant Prosecuting Attorney, for Appellee.