

**IN THE COURT OF APPEALS  
ELEVENTH APPELLATE DISTRICT  
GEAUGA COUNTY, OHIO**

STATE OF OHIO,	:	<b>MEMORANDUM OPINION</b>
Plaintiff-Appellee,	:	
- vs -	:	<b>CASE NO. 2010-G-2983</b>
JOSEPH M. FOTI,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Court of Common Pleas, Case No. 06 C 000186.

Judgment: Appeal dismissed.

*David P. Joyce*, Geauga County Prosecutor, Courthouse Annex, 231 Main Street, Chardon, OH 44024 (For Plaintiff-Appellee).

*Joseph M. Foti*, pro se, PID: A523178, Lake Erie Correctional Institution, P.O. Box 8000, Conneaut, OH 44030-8000 (Defendant-Appellant).

MARY JANE TRAPP, P.J.

{¶1} On August 5, 2010, appellant, Joseph M. Foti, pro se, filed his notice of appeal from a July 20, 2010 judgment issued by the Geauga County Court of Common Pleas denying his motion for judicial release under R.C. 2929.20.

{¶2} Pursuant to Article IV, Section 3(B)(2), of the Ohio Constitution, appellate courts have jurisdiction to review, affirm, modify, or reverse judgments or final orders

from courts of record inferior to the court of appeals and from final orders or actions of administrative officers or agencies.

{¶3} In *State v. Coffman*, 91 Ohio St.3d 125, 126, 2001-Ohio-273, the Supreme Court of Ohio expressly held that “a trial court’s denial of a motion for shock probation is never a final appealable order.” In addition, appellate courts in Ohio that have addressed this issue after *Coffman* have held that the same logic is applicable to a denial of a motion for judicial release since it mirrors shock probation. *State v. Woods* (2001), 141 Ohio App.3d 549, 550; *State v. Williams*, 10th Dist. No. 07AP-1035, 2008-Ohio-1906, at ¶9; *State v. Mayle*, 5th Dist. Nos. 07-CA-0006 and 07-CA-0007, 2008-Ohio-3761, at ¶13; *State v. Greene*, 2d Dist. No. 02-CA-17, 2002-Ohio-2595, at ¶6. Since there is no right to judicial release, the denial of a motion for judicial release cannot affect a “substantial right” as that term is defined in R.C. 2505.02(A)(1).

{¶4} Therefore, this appeal is hereby dismissed for lack of a final appealable order.

{¶5} Appeal dismissed.

COLLEEN MARY O'TOOLE, J.,

TIMOTHY P. CANNON, J.,

concur.