

**IN THE COURT OF APPEALS OF OHIO  
ELEVENTH APPELLATE DISTRICT  
ASHTABULA COUNTY**

STATE OF OHIO,

Plaintiff-Appellee,

- v -

RAUL ALVAREZ BERRIOS,

Defendant-Appellant.

**CASE NO. 2022-A-0043**

Criminal Appeal from the  
Court of Common Pleas

Trial Court No. 2021 CR 00126

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**MEMORANDUM**  
**OPINION**

Decided: June 13, 2022  
Judgment: Appeal dismissed

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*Colleen M. O'Toole*, Ashtabula County Prosecutor, 25 West Jefferson Street, Jefferson, OH 44047 (For Plaintiff-Appellee).

*Joseph P. Morse*, 323 West Lakeside Avenue, Suite 220, Cleveland, OH 44113 (For Defendant-Appellant).

JOHN J. EKLUND, J.

{¶1} On May 19, 2022, appellant, Raul Alvarez Berrios, by and through counsel filed a notice of appeal from an October 19, 2021 judgment entry of the Ashtabula County Court of Common Pleas which denied his pretrial motion to suppress evidence.

{¶2} An order denying a defendant's motion to suppress prior to the conclusion of the criminal trial has been held to not be a final appealable order. See *State v. Jones*, 11th Dist. Portage No. 98-P-0116, 1999 WL 33100648, \*2 (Jan. 29, 1999); *State v. Ricciardi*, 134 Ohio App.3d 155 (7th Dist.1999).

{¶3} Additionally, even if the October 19, 2021 entry were a final order, appellant's May 19, 2022 notice of appeal would be untimely since it was filed beyond the thirty-day time period in App.R. 4(A)(1).

{¶4} Appeal dismissed, sua sponte, for lack of jurisdiction.

CYNTHIA WESTCOTT RICE, J.,

MARY JANE TRAPP, J.,

concur.