

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

STATE OF OHIO,
CITY OF RAVENNA,

Plaintiff-Appellee,

- vs -

JAMES S. OBER,

Defendant-Appellant.

**CASE NOS. 2023-P-0051
2023-P-0052**

Criminal Appeals from the
Municipal Court, Ravenna Division

Trial Court Nos. 2020 CRB 01847 R
2020 TRC 08592 R

**MEMORANDUM
OPINION**

Decided: August 21, 2023
Judgment: Appeals dismissed

Victor V. Viglucci, Portage County Prosecutor, 241 South Chestnut Street, Ravenna, OH 44266 (For Plaintiff-Appellee).

James S. Ober, pro se, 6150 Allyn Road, Hiram, OH 44234 (Defendant-Appellant).

EUGENE A. LUCCI, J.

{¶1} On July 19, 2023, appellant, James S. Ober, pro se, filed a notice of appeal from the trial court’s June 21, 2023 judgment entry. In the entry, the court found appellant guilty of OVI in violation of R.C. 4511.19(A)(1)(a); not guilty of OVI with a refusal within 20 years in violation of R.C. 4511.19(A)(2); and not guilty of open container in violation of R.C. 4301.62. The court then stated that the matter shall be set for a sentencing hearing.

{¶2} R.C. 2505.02 defines the types of orders that constitute a final appealable order:

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

{¶4} “(2) An order that affects a substantial right made in a special proceeding or upon a summary application in an action after judgment;

{¶5} “(3) An order that vacates or sets aside a judgment or grants a new trial;

{¶6} “(4) An order that grants or denies a provisional remedy and to which both of the following apply:

{¶7} “(a) The order in effect determines the action with respect to the provisional remedy and prevents a judgment in the action in favor of the appealing party with respect to the provisional remedy.

{¶8} “(b) The appealing party would not be afforded a meaningful or effective remedy by an appeal following final judgment as to all proceedings, issues, claims, and parties in the action.

{¶9} “(5) An order that determines that an action may or may not be maintained as a class action; * * *.”

{¶10} In criminal cases, pursuant to R.C. 2953.02, a court of appeals only possesses jurisdiction to hear an appeal if it is from a “judgment or final order.” Furthermore, the Supreme Court of Ohio has stated that “in a criminal case there must be a sentence which constitutes a judgment or a final order which amounts ‘to a disposition of the cause’ before there is a basis for appeal.” *State v. Chamberlain*, 177 Ohio St. 104, 106-107(1964); *see also State v. Thompson*, 11th Dist. Portage No. 2018-P-0066, 2018-Ohio-4177; *State v. Marbuery-Davis*, 11th Dist. Lake No. 2016-L-001, 2016-Ohio-898.

{¶11} In the present case, there has been no disposition of the underlying cause i.e., appellant has not been sentenced. Appellant has a remedy to appeal when his cases have been concluded by the trial court.

{¶12} Appeals dismissed sua sponte for lack of jurisdiction.

MATT LYNCH, J.,

ROBERT J. PATTON, J.,

concur.