

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

STATE OF OHIO,  
CITY OF NEWTON FALLS,

Plaintiff-Appellee,

- vs -

AIRIZ ANTONIUS BEY,

Defendant-Appellant.

**CASE NO. 2026-T-0035**

Criminal Appeal from the  
Newton Falls Municipal Court

Trial Court No. 2026 TRD 00684

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**MEMORANDUM OPINION AND JUDGMENT ENTRY**

Decided: October 19, 2026  
Judgment: Appeal dismissed

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*Jordan E. Knabb*, City of Newton Falls Prosecutor, 20 South Canal Street, Newton Falls, OH 44444, and *Gary L. Van Brocklin*, 612 West Broad Street, Newton Falls, OH 44444 (For Plaintiff-Appellee).

*Airiz Antonius Bey*, pro se, 2244 Stephens Avenue, N.W., Warren, OH 44485 (Defendant-Appellant).

EUGENE A. LUCCI, J.

{¶1} This matter is before the court on the motion of the State to strike the brief of appellant, Airiz Antonius Bey, and dismiss the appeal. For the reasons that follow, this appeal is dismissed for lack of jurisdiction, and the State’s motion is overruled as moot.

{¶2} Following a traffic stop in March 2026, Bey was charged with failure to wear a safety belt, in violation of R.C. 4513.263(B)(1). Bey entered a not guilty plea and thereafter filed a motion to dismiss. The motion was implicitly denied, as the case

proceeded to trial, following which the court found Bey guilty. In an entry dated April 14, 2026, the court stated:

This matter came on for Trial this date. Defendant present pro se, State present via the Acting Prosecutor Attorney Gary Van Brocklin. After evidence and testimony presented, it is hereby ordered that the Defendant is found guilty and fined \$30.00 plus court costs.

IT IS SO ORDERED

{¶3} Bey noticed an appeal from the April 14, 2026 entry. He timely filed a brief, raising the following three assignments of error:

1. The trial court erred by failing to dismiss the case for lack of jurisdiction due to the absence of a valid warrant supported by oath or affirmation, in violation of Article I, Section 14 of the Ohio Constitution.
2. The trial court erred by forcing Appellant to trial without providing full discovery as requested, violating Appellant's rights under Article 1, Sections 10 and 16 of the Ohio Constitution.
3. The trial court erred by allowing the complaining officer to act as both complainant and sole witness, depriving Appellant of the right to meet witnesses face to face and to a fair process under Article I, Section 10.

{¶4} The State did not file an answer brief, but, instead, filed a motion to strike Bey's appellate brief and dismiss the appeal on the bases that Bey failed to obtain a transcript and failed to cite to the record in his brief. However, because we conclude that the April 14, 2026 entry does not constitute a final, appealable order, we dismiss the appeal for lack of jurisdiction.

{¶5} This court's appellate jurisdiction is set forth in Ohio Const., art. IV, § 3(B)(2), which provides that "[c]ourts of appeals shall have such jurisdiction as may be

provided by law to review and affirm, modify, or reverse judgments or final orders of the courts of record inferior to the court of appeals within the district . . . .”

{¶6} R.C. 2505.02(B) defines various categories of final orders. Such categories include “[a]n order that affects a substantial right in an action that in effect determines the action and prevents a judgment. . . .” R.C. 2505.02(B)(1). For an order of conviction to constitute a final order under R.C. 2505.02, it must comply with Crim.R. 32(C). *State v. Lester*, 2011-Ohio-5204, ¶ 8.

{¶7} Although the present case involves a traffic matter, to which the criminal rules do not necessarily apply, Traf.R. 20 provides, “If no procedure is specifically prescribed by these rules, the Rules of Criminal Procedure and the applicable law apply.” The Traffic Rules do not specify a procedure for a sentencing entry. *Akron v. Peoples*, 2008-Ohio-5236, ¶ 4 (9th Dist.) (Crim.R. 32(C) applies to traffic convictions by operation of Traf.R. 20). Accordingly, the entry must comply with Crim.R. 32(C), which provides as follows:

In the judgment of conviction, the court must set forth the plea or any verdicts or findings as well as the fact of conviction and the sentence. Multiple judgments of conviction may be addressed in one judgment entry. If the defendant is found not guilty or for any other reason is entitled to be discharged, the court must so order. If a proposed judgment entry is not prepared and presented to the court by counsel, the entry must be prepared by the court. The judge must sign the judgment and the clerk must enter it on the journal. The judgment entry must be filed and journalized within 30 days of the announcement of the sentence or other finding. A judgment is effective only when entered on the journal by the clerk.

{¶8} Thus, to comply with Crim.R. 32(C), a judgment entry must contain “(1) the fact of the conviction, (2) the sentence, (3) the judge’s signature, and (4) the time stamp indicating the entry upon the journal by the clerk.” *Lester* at paragraph one of the syllabus.

{¶9} Further, “[a]s a general matter, ‘[o]nly one document can constitute a final appealable order,’ meaning that a single entry must satisfy the requirements of Crim.R. 32(C).” *State v. Thompson*, 2014-Ohio-4751, ¶ 39, quoting *State v. Baker*, 2008-Ohio-3330, ¶ 17; see also *State v. Sullivan*, 2019-Ohio-4413, ¶ 3 (11th Dist.). Therefore, a sentencing entry that fails to contain the four components required by Crim.R. 32(C) in one document is not a final appealable order and must be dismissed for want of jurisdiction. *Lester* at ¶ 11. See also *State v. Gwen*, 2012-Ohio-5046, ¶ 19 (*Lester* applied).

{¶10} With respect to “the fact of conviction,” as required by Crim.R. 32(C), here, the April 14, 2026 entry states that Bey “is found guilty,” but the entry does not therein reference the offense of which he was found guilty. Compare *State v. Figueroa*, 2020-Ohio-1328, ¶ 14 (11th Dist.) (sentencing entry stated the fact of conviction where the name of the offense was referenced in entry, but the relevant code section and level of the offense were omitted). A sentencing entry does not state the “fact of conviction,” and is therefore not final, where it completely fails to identify the charge on which the defendant was convicted. *State v. Maxon*, 2017-Ohio-9365, ¶ 1, 7 (4th Dist.) (where defendant was charged with a single offense, and the appealed order stated “after hearing the evidence, the court finds defendant guilty,” but did not state the crime of which defendant was found guilty, the order failed to adequately state the fact of conviction); *State v. Abukar*, 2026-Ohio-1624, ¶ 7 (10th Dist.) (sentencing entry was not a final order

where it did “not contain the name of the offense or the statute”); *State v. Wilson*, 2025-Ohio-1696, ¶ 12 (12th Dist.) (entry was not a final order where, although it contained “a handwritten notation that appellant was ‘Guilty following a trial’ and impose[d] a \$100 fine and court costs, the entry fail[ed] to identify the offense, by name or reference to the specific ordinance violated, for which appellant was convicted”); *see also State v. Hoerig*, 2009-Ohio-541, ¶ 7 (3d Dist.) (stating that a prior attempted appeal was dismissed for lack of a final, appealable order because the form judgment entry failed to state the offense of which the defendant was convicted and sentenced).

{¶11} Because the April 14, 2026 entry failed to identify the offense of which Bey was convicted, it does not state the “fact of conviction” as required by Crim.R. 32(C). Consequently, the entry is not a final order, and we lack jurisdiction over this appeal.

{¶12} Accordingly, this appeal is dismissed for lack of jurisdiction. The State’s motion to dismiss is overruled as moot.

MATT LYNCH, P.J.,

SCOTT LYNCH, J.,

concur.

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## JUDGMENT ENTRY

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For the reasons stated in the memorandum opinion of this court, it is ordered that the appeal is hereby dismissed for lack of jurisdiction. Appellee's motion to dismiss is overruled as moot.

Further, any pending motions are hereby overruled as moot.

Costs to be taxed against appellant.

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JUDGE EUGENE A. LUCCI

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PRESIDING JUDGE MATT LYNCH,  
concur

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JUDGE SCOTT LYNCH,  
concur

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| <p><b>THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY</b></p> |
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| <p>A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.</p> |
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