

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-150316
Plaintiff-Appellee,	:	TRIAL NO. C-14CRB-32564
vs.	:	<i>JUDGMENT ENTRY.</i>
VALENTINO ABAFO,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Valentino Abafo appeals his conviction for assault, a first-degree misdemeanor in violation of R.C. 2903.13, following a bench trial. The trial court stayed Abafo’s sentence pending this appeal.

In two assignments of error, Abafo argues that his conviction was based upon insufficient evidence and was against the manifest weight of the evidence.

We do not reach the merits of Abafo’s assignments of error because we lack jurisdiction to entertain his appeal. Section 3(B)(2), Article IV of the Ohio Constitution confers upon courts of appeals “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 * * *.” R.C. 2505.03(A) limits the jurisdiction of courts of appeals to the review of “final order[s], judgment[s], or decree[s].”

To qualify as a final appealable order under R.C. 2505.02, the Ohio Supreme Court has held that a judgment of conviction must satisfy the provisions of Crim.R. 32(C) and include the fact of conviction, the sentence, the judge’s signature, and the entry upon the journal by the clerk of courts. *State v. Daniels*, 1st Dist. Hamilton No. C-140242, 2014-Ohio-5160, ¶ 6, citing *State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204, 958 N.E.2d 142, paragraph one of the syllabus. An appellate court, however, cannot read multiple documents together in a criminal case to create a final appealable order under R.C. 2505.02. *Daniels* at ¶ 7, citing *State v. Baker*, 119 Ohio St.3d 197, 2008-Ohio-3330, 893 N.E.2d 163, ¶ 17.

Here, the trial court journalized the fact of Abafo’s conviction on March 18, 2015. It then journalized Abafo’s sentence on April 15, 2015. Abafo has appealed from the trial court’s April 15, 2015 entry, which does not contain the fact of his conviction. We may not read the March and April entries together to create a final appealable order. In the absence of a final appealable order, we must dismiss Abafo’s appeal for lack of subject-matter jurisdiction. *See Daniels* at ¶ 7; *see also State v. McClendon*, 1st Dist. Hamilton No. C-160267, 2017-Ohio-1399. The appeal is dismissed.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

MOCK, P.J., MILLER and DETERS, JJ.

OHIO FIRST DISTRICT COURT OF APPEALS

To the clerk:

Enter upon the journal of the court on May 17, 2017

per order of the court _____.
Presiding Judge