

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

IN RE: B.C. : APPEAL NO. C-170527  
: TRIAL NO. P10-2247Z  
:  
: *JUDGMENT ENTRY.*

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 Charles Lamont Horton, III, appeals the decision of the trial court finding him in contempt of court for failing to pay court-ordered child support. The magistrate found him in contempt and continued the matter to a future date. Horton filed objections to the magistrate's decision, which the trial court overruled. Neither the magistrate nor the trial court imposed a jail sentence related to the contempt finding.

This court has held that "a judgment entry finding a party in contempt and imposing a sentence is a final appealable order on the issue of whether the party is in contempt of court, even though the order contains purge conditions." *Souders v. Souders*, 1st Dist. Hamilton No. C-150552, 2016-Ohio-3522, ¶ 13, *appeal not allowed*, 147 Ohio St.3d 1445, 2016-Ohio-7854, 63 N.E.3d 1214, citing *Docks Venture L.L.C. v. Dashing Pacific Group, Ltd.*, 141 Ohio St.3d 107, 2014-Ohio-4254, 22 N.E.3d 1035, ¶ 23. But in order to constitute a final appealable order, the judgment entry must contain both a finding of contempt and the imposition of a sanction. *In re Estate of Nicholson*, 7th Dist. Mahoning No. 04-MA-207, 2005-Ohio-4890, ¶ 33, citing *In re Estate of Orville*, 7th Dist. Mahoning Nos. 04-MA-97 and 04-MA-100, 2004-Ohio-6510, ¶ 36. The trial court did not impose a sentence in this case. Until the trial court has imposed a sanction, we lack jurisdiction to entertain the appeal. We dismiss Horton's appeal.

**OHIO FIRST DISTRICT COURT OF APPEALS**

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A certified copy of this judgment entry is 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., ZAYAS and MYERS, JJ.**

To the clerk:

Enter upon the journal of the court on November 21, 2018  
per order of the court \_\_\_\_\_.

Presiding Judge

