

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

IN RE: W.M. : APPEAL NO. C-170535
 : TRIAL NO. P12-2557X
 :
 : *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.

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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

