

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

STATE OF OHIO,	:	APPEAL NO. C-170715
	:	TRIAL NO. B-1501673B
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
	:	
JAMES THOMAS,	:	
	:	
Defendant,	:	
	:	
and	:	
	:	
ALL AMERICAN BAIL BONDS,	:	
	:	
and	:	
	:	
ALLEGHENY MUTUAL CASUALTY	:	
CO.,	:	
	:	
Sureties-Appellants.	:	

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.

Sureties-appellants All American Bail Bonds and Allegheny Mutual Casualty Co. (collectively referred to as “All American”), posted a surety bond for James Thomas, who had been indicted on several felony and misdemeanor offenses. Thomas failed to appear for his arraignment, and a magistrate ordered that the bond be forfeited. After receiving notice to produce Thomas’s body or show cause why judgment should not be entered against it, All American argued that Thomas’s

current incarceration in Florida established good cause why judgment should not be entered against it. The magistrate found that All American had failed to show good cause, and he granted judgment to the state in the amount of \$60,000. All American filed objections to the magistrate's decision. The trial court issued an entry denying All American's objections. It is from that entry that All American has appealed, arguing in a single assignment of error that the trial court erred in entering judgment against it on the forfeiture of the surety bond.

Before considering the merits of All American's assignment of error, we must determine whether we have jurisdiction to proceed with this appeal. This court only has jurisdiction to review final orders and judgments. Ohio Constitution, Article IV, Section 3(B)(2); R.C. 2505.03. Pursuant to R.C. 2505.02(B), a final order is defined in relevant part as "[a]n order that affects a substantial right in an action that in effect determines the action and prevents a judgment." *Alexander v. LJF Mgt., Inc.*, 1st Dist. Hamilton No. C-090091, 2010-Ohio-2763, ¶ 10. A magistrate's decision that has not been adopted or modified by the trial court is not a final order. *Id.* at ¶ 12. A magistrate's decision remains interlocutory until it is reviewed by the trial court and the court "(1) rules on any objections, (2) adopts, modifies, or rejects the decision, and (3) enters a judgment that determines all the claims for relief in the action or determines that there is no just reason for delay." *Id.*; Civ.R. 53(D)(4)(a).

Here, the trial court overruled All American's objections to the magistrate's decision. But it did not adopt the decision as its own, enter a final judgment in the matter, or determine that there is no just reason for delay. Consequently, the magistrate's decision remained interlocutory. In the absence of a final judgment from the trial court, this court lacks jurisdiction to proceed with the appeal. *Alexander* at ¶ 16, quoting R.C. 2505.02(B)(1).

Therefore, the appeal is dismissed.

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.

MYERS, P.J., CROUSE and WINKLER, JJ.

To the clerk:

Enter upon the journal of the court on April 10, 2019

per order of the court _____.

Presiding Judge