

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

VILLAGE OF NEWTOWN,	:	APPEAL NOS. C-250120
		C-250121
Plaintiff-Appellant,	:	C-250122
		TRIAL NOS. M/24/CRB/20359
vs.	:	M/24/TRD/31365
		M/24/TRD/31366
KATHLEEN TRIBBLE,	:	
		<i>JUDGMENT ENTRY</i>
Defendant-Appellee.	:	

NESTOR, Judge.

This court sua sponte removes this cause from the regular calendar and places it on the court's accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

Plaintiff-appellant the Village of Newtown appeals the sua sponte transfer back to mayor's court of its complaints against defendant-appellee Kathleen Tribble.

Between October 2023 and August 2024, the Newtown Police Department cited Tribble for three misdemeanor-level offenses: one citation for dogs running at large and two citations for driving on a suspended driver's license. Tribble appeared before the mayor's court in November 2024 to address all three charges. There, Tribble requested that the Newtown Mayor's Court transfer her charges to the Hamilton County Municipal Court. The mayor's court magistrate granted her request.

Following the hearing, the Newtown deputy clerk completed the necessary paperwork to transfer the case to the Hamilton County Municipal Court. Both the

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Newtown deputy clerk and the mayor's court magistrate signed the transfer paperwork and certified the documents as complete.

In December 2024, Tribble failed to appear for arraignment in the municipal court. The court issued *capias* warrants. She appeared in February 2025 after her arrest on the warrants. At the February 2025 hearing, Tribble entered not guilty pleas and requested a trial date. The cases were set for trial less than three weeks later. When the trial date arrived, Newtown police officers and the prosecutor appeared in the municipal court. Tribble did not.

Despite her failure to appear, the municipal court found that it did not have jurisdiction and transferred the cases back to the mayor's court. The municipal court concluded that it did not have jurisdiction because the mayor of Newtown had not personally signed and certified the transfer. Instead, the paperwork was signed by the mayor's court magistrate and the deputy clerk. The municipal court judge stated that only a certification by the mayor himself would meet the transfer requirements of R.C. 1905.032.

Newtown appealed on the basis that a magistrate is a proper representative of the mayor and has authority to certify a case for transfer. Tribble did not file a brief or appear for oral argument in this matter.

Upon review, we hold that we do not have jurisdiction over this case. R.C. 2945.67(A) permits the State to appeal the dismissal of a criminal complaint as a matter of right. *See In re B.W.*, 2017-Ohio-9220, ¶ 16 (7th Dist.). But to appeal other decisions, the State must seek leave of court. *State v. Colon*, 2016-Ohio-707, ¶ 8 (8th Dist.). In this case, Newtown claimed that these appeals were taken as a matter of right because the trial court dismissed the cases due to a lack of jurisdiction.

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The record shows otherwise. The municipal court did not dismiss the criminal complaints. Rather, the court ordered that the cases be “transfer[red] back to mayor’s court.”

Thus, because the municipal court did not dismiss the cases in their entirety, Newtown was required to seek leave to appeal the municipal court’s judgments and invoke this court’s jurisdiction. *See State ex rel. Steffen v. Judges of the Court of Appeals for the First Appellate Dist.*, 2010-Ohio-2430, ¶ 35. Because Newtown “failed to seek leave to appeal as required by App.R. 5(C), we lack jurisdiction to hear the appeals, and we have no choice but to dismiss them.” *In re T.D.*, 2014-Ohio-1752, ¶ 4 (1st Dist.).

While we note that the municipal court erred in its reasoning because the mayor’s court magistrate has the unambiguous power to transfer cases in the mayor’s stead, we do not have jurisdiction to address the issue. Accordingly, we dismiss the appeals for lack of jurisdiction.

The court further orders that (1) a copy of this Judgment constitutes the mandate, (2) the mandate be sent to the trial court for execution under App.R. 27, and (3) costs shall be taxed under App.R. 24.

ZAYAS, P.J., and **MOORE, J.**, concur.

To the clerk:

Enter upon the journal of the court on 1/14/2026 per order of the court.

By:  _____
Administrative Judge