

**IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
GEAUGA COUNTY, OHIO**

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellant,	:	
-vs-	:	CASE NO. 2012-G-3065
JILLIAN G. SKIDMORE,	:	
Defendant-Appellee.	:	

Criminal Appeal from the Chardon Municipal Court, Case No. 2011 CRB 00968.

Judgment: Appeal dismissed.

Dennis M. Coyne, City of Chardon Prosecutor, 111 Water Street, Chardon, OH 44024
(For Plaintiff-Appellant).

R. Robert Umholtz, Geauga County Public Defender, and *Dawn M. Gargiulo*, Assistant
Public Defender, 211 Main Street, Chardon, OH 44024 (For Defendant-Appellee).

THOMAS R. WRIGHT, J.

{¶1} On March 19, 2012, appellant, the state of Ohio, filed a notice of appeal from a February 15, 2012 judgment entry rendered by the Chardon Municipal Court. In this judgment, the trial court granted appellee, Jillian G. Skidmore's, motion to dismiss on double jeopardy grounds.

{¶2} R.C. 2945.67 governs those instances when a prosecutor may appeal, which states in relevant part:

{¶3} “A prosecuting attorney * * * may appeal as a matter of right any decision of a trial court in a criminal case * * * which decision grants a motion to dismiss all or any part of an indictment * * * and may appeal by leave of court to which the appeal is taken any other decision, except the final verdict, of the trial court in a criminal case * * *.

{¶4} App.R. 4(A) states in part:

{¶5} “A party shall file the notice of appeal required by App.R. 3 within thirty days of the later of entry of the judgment or order appealed.”

{¶6} Under R.C. 2945.67, the state may appeal a decision which grants a motion to dismiss as in the present case. However, pursuant to App.R. 4(A), a notice of appeal must be filed within thirty days from the entry of judgment or ordered appealed.

{¶7} Appellant’s appeal was due to be filed no later than March 16, 2012, which was not a holiday or weekend. The appeal was not filed until March 19, 2012. Thus, we lack jurisdiction to consider this untimely state appeal.

{¶8} Appeal dismissed sua sponte.

TIMOTHY P. CANNON, P.J.,

MARY JANE TRAPP, J.,

concur.