

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

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2011-A-0071
ARTHUR A. GRENTER,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Court of Common Pleas, Case No. 2007 CR 433.

Judgment: Appeal dismissed.

Thomas L. Sartini, Ashtabula County Prosecutor, Ashtabula County Courthouse, 25 West Jefferson Street, Jefferson, OH 44047-1092 (For Plaintiff-Appellee).

Arthur A. Grenter, pro se, PID: 552-453, Marion Correctional Institution, P.O. Box 57, Marion, OH 43301-0057 (Defendant-Appellant).

MARY JANE TRAPP, J.,

{¶1} This matter is before this court on appellant, Arthur A. Grenter's, pro se motion for leave of to file a delayed appeal. Along with his motion, Mr. Grenter filed his notice of appeal in the trial court on December 14, 2011. Mr. Grenter appeals from the trial court's August 7, 2008 judgment entry convicting him of complicity to arson and attempted felonious assault and sentencing him to an aggregate six and one half year prison term. Thus, appellant's appeal was filed over three years after his August 7, 2008 conviction and sentence.

{¶2} No brief or response in opposition to the motion for leave to file a delayed appeal has been filed.

{¶3} App.R. 4(A) states, in part:

{¶4} 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 ***."

{¶5} App.R. 5(A) provides:

{¶6} "After the expiration of the thirty day period provided by App.R. 4(A) for the filing of a notice of appeal as of right, an appeal may be taken by a defendant with leave of the court to which the appeal is taken in the following classes of cases:

{¶7} "(a) Criminal proceedings;

{¶8} "(b) Delinquency proceedings; and

{¶9} "(c) Serious youthful offender proceedings.

{¶10} "(2) A motion for leave to appeal shall be filed with the court of appeals and shall set forth the reasons for the failure of the appellant to perfect an appeal as of right. Concurrently with the filing of the motion, the movant shall file with the clerk of the trial court a notice of appeal in the form prescribed by App.R. 3 and shall file a copy of the notice of the appeal in the court of appeals."

{¶11} As reasons for filing his appeal untimely, Mr. Greuter asserts, inter alia, that for several years he was drug dependent and unable to comprehend the facts and circumstances surrounding the criminal charges, prosecution, and the subsequent conviction which he now seeks leave to appeal. He further makes a general statement that he was raised by mentally unstable, drug addicted parents who abused him.

{¶12} Importantly, we note that despite alleging his inability to comprehend his case Mr. Greuter has managed to prepare and file numerous pro se motions in the trial court since his 2008 conviction. Further, he prosecuted a previous appeal with this court in 11th Dist. No. 2011-A-0013 entirely on his own.

{¶13} Given the fact that over three years has passed from the date of his conviction and sentence until the filing of his motion for delayed appeal, it is evident that Mr. Greuter was not diligent in taking the proper steps to protect his own rights. His reasons for the delay do not excuse his delay in initiating his direct appeal of the underlying conviction.

{¶14} Accordingly, it is ordered that appellant's pro se motion for leave to file a delayed appeal is hereby overruled.

{¶15} Appeal dismissed.

TIMOTHY P. CANNON, P.J.,

CYNTHIA WESTCOTT RICE, J.,

concur.