

IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
LAKE COUNTY, OHIO

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NOS. 2016-L-074,
	:	2016-L-075,
	:	and 2016-L-076
GREGORY D. MELTON, JR.,	:	
Defendant-Appellant.	:	

Criminal Appeals from the Lake County Court of Common Pleas, Case Nos. 08 CR 000376, 08 CR 000337, and 09 CR 000147.

Judgment: Appeals dismissed.

Charles E. Coulson, Lake County Prosecutor, and *Karen A. Sheppert*, Assistant Prosecutor, 105 Main Street, P.O. Box 490, Painesville, OH 44077 (For Plaintiff-Appellee).

Gregory D. Melton, Jr., pro se, PID: A570-333, Ross Correctional Institution, P.O. Box 7010, 16149 State Route 104, Chillicothe, OH 45601 (Defendant-Appellant).

TIMOTHY P. CANNON, J.

{¶1} This matter is before this court on the pro se motions of appellant, Gregory D. Melton, Jr., to file a delayed appeal. Along with his motions, appellant filed his notices of appeal on July 20, 2016. There were no entries attached to appellant's notices; however, he indicates that he is appealing his sentences.

{¶2} The docket reflects that the trial court issued sentencing entries on May 28, 2009, which indicate that appellant entered a plea of guilty to the following offenses

and sentenced as indicated: (1) possession of cocaine, sentenced to serve two years in prison; (2) aggravated possession of drugs, sentenced to serve one year in prison; and (3) trafficking in heroin, sentenced to serve one year in prison. All sentences were ordered to run consecutive to one another, for a total term of four years. The court further suspended appellant's driver's license for a total of five years. Timely notices of appeal from the May 28, 2009 entries were due no later than June 29, 2009. Thus, the appeals are untimely by almost seven years. While appellant remains incarcerated for a variety of other offenses from other cases, it appears his sentence in these cases has been served.

{¶3} Appellee, the state of Ohio, filed responses in opposition to the motions on August 1, 2016.

{¶4} App.R. 5(A) provides, in relevant part:

{¶5} "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:

{¶6} "(a) Criminal proceedings;

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

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

{¶9} "(2) A motion for leave to appeal shall be filed with the court of appeals * *

* ."

{¶10} As his reason for failing to file timely appeals, appellant indicates that he was not notified by his trial counsel or the trial court that he had a right to appeal his sentences and to appointment of counsel. That reason lacks credibility because

appellant perfected an appeal in a previous companion case, *State v. Melton*, 11th Dist. Lake No. 2009-L-078, 2010-Ohio-1278, which this court affirmed on March 26, 2010.

{¶11} Since appellant has not asserted a legitimate reason for an almost seven year delay in filing his appeals, his pro se motions for leave to file a delayed appeal are hereby overruled, and the appeals are dismissed.

CYNTHIA WESTCOTT RICE, P.J.,

THOMAS R. WRIGHT, J.,

concur.