

[Cite as *State v. Thompson*, 2003-Ohio-4405.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 82274

STATE OF OHIO	:	
	:	JOURNAL ENTRY
Plaintiff-Appellee	:	
	:	AND
vs.	:	
	:	OPINION
LAMONT THOMPSON	:	
	:	
Defendant-Appellant	:	
	:	
	:	
DATE OF ANNOUNCEMENT OF DECISION	:	<u>AUGUST 21, 2003</u>
	:	
CHARACTER OF PROCEEDINGS	:	Criminal appeal from
	:	Common Pleas Court
	:	Case No. CR-406417
	:	
JUDGMENT	:	DISMISSED.
	:	
DATE OF JOURNALIZATION	:	

APPEARANCES:

For plaintiff-appellee:	WILLIAM D. MASON, ESQ. Cuyahoga County Prosecutor BY: CHRISTOPHER McMONAGLE, ESQ. Assistant County Prosecutor The Justice Center, 9th Floor 1200 Ontario Street Cleveland, Ohio 44113
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For defendant-appellant:	THOMAS A. REIN, ESQ. 930 Leader Building 526 Superior Avenue Cleveland, Ohio 44114
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FRANK D. CELEBREZZE, JR., J.:

{¶1} Appellant Lamont Thompson, appeals his conviction and the sentence imposed by the common pleas court. A review of the record, however, reveals appellant's arguments are untimely presented and the appeal must be dismissed.

{¶2} Appellant was convicted and sentenced on October 22, 2001 under Case No. CR-406417. Appellant did not file a notice of appeal until January 6, 2003, well outside the time allowed by the appellate rules, nor did he file a motion for leave to file a delayed appeal.

{¶3} "Appellant filed neither a notice of appeal from the original order of sentence within the 30-day jurisdictional requirement set forth in App.R. 4(A), nor a motion for a delayed appeal pursuant to App.R. 5(A). Without a timely notice of appeal from the order challenged, this court lacks jurisdiction to consider it. *State v. Slagle*, Union App. No. 14-02-08, 2002 Ohio 6616; *State v. Starcic* (June 4, 1998), Cuyahoga App. No. 72742; *State v. Roark* (Dec. 4, 1990), Adams App. No. 502, citing *In re Copley* (1972), 29 Ohio St.2d 35, 278 N.E.2d 358.

{¶4} "Since the original order of sentence was a final appealable order, and appellant failed to appeal that order, this court cannot consider appellant's assignments of error. Id.; *State v. Leaks* (Oct. 18, 2001), Cuyahoga App. No. 78801; *State v. Jackson* (1997), 123 Ohio App.3d 22, 702 N.E.2d 1229; cf., *Village of Swanton v. Barker* (Oct. 20, 2000), Fulton App. No. F-00-003;

*State v. Nickerson* (June 12, 1997), Cuyahoga App. No. 70910; *State v. Calvert* (Mar. 4, 1993), Cuyahoga App. No. 64416." *City of Cleveland v. Yashea Black* (Aug. 7, 2003), Cuyahoga App. No. 82457, 2003-Ohio-4197.

{¶5} Accordingly, appellant's appeal is dismissed.

It is ordered that appellee recover of appellant costs herein taxed.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

FRANK D. CELEBREZZE, JR.  
PRESIDING JUDGE

COLLEEN CONWAY COONEY, J., AND

ANTHONY O. CALABRESE, JR., J., CONCUR.

N.B. This entry is an announcement of the court's decision. See App.R. 22(B), 22(D) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(E) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(E). See, also, S.Ct.Prac.R. II, Section 2(A)(1).