

[Cite as *State v. Nichols*, 2004-Ohio-3290.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 83672

STATE OF OHIO	:	
	:	JOURNAL ENTRY
Plaintiff-Appellee	:	
	:	AND
vs.	:	
	:	OPINION
EUGENE NICHOLS	:	
	:	
Defendant-Appellant	:	
	:	
	:	
DATE OF ANNOUNCEMENT OF DECISION	:	<u>JUNE 24, 2004</u>
	:	
CHARACTER OF PROCEEDINGS	:	Criminal appeal from
	:	Common Pleas Court
	:	Case No. CR-423268
	:	
JUDGMENT	:	DISMISSED.
DATE OF JOURNALIZATION	:	

APPEARANCES:

For plaintiff-appellee:	WILLIAM D. MASON, ESQ. Cuyahoga County Prosecutor BY: MATTHEW T. NORMAN, ESQ. Assistant Prosecuting Attorney 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, Eugene Nichols, appeals the sentences handed down by the Cuyahoga County Court of Common Pleas relative to plea bargains entered in three separate cases. After reviewing the record and for the reasons set forth below, we dismiss this appeal.

{¶2} App.R. 4 requires that a notice of appeal be filed within thirty days of the entry of judgment. Appellant was sentenced in the cases at bar on August 9, 2002 and June 20, 2003; his notice of appeal was not filed until October 24, 2003. Because appellant has not filed a motion for leave to file a delayed appeal, and because his assignments of error address only the original sentence and not the probation violation hearing held on October 10, 2003, we find his appeal time-barred.

Appeal dismissed.

It is ordered that appellees recover of appellants 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.
JUDGE

PATRICIA A. BLACKMON, P.J., AND

KENNETH A. ROCCO, 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).