

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

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2014-T-0025
JAMES TITUS BOWERS,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Trumbull County Court of Common Pleas.
Case No. 2010 CR 00386.

Judgment: Appeal dismissed.

Dennis Watkins, Trumbull County Prosecutor, and *LuWayne Annos*, Assistant Prosecutor, Administration Building, Fourth Floor, 160 High Street, N.W., Warren, OH 44481-1092 (For Plaintiff-Appellee).

James Titus Bowers, pro se, PID: A644-347, Mansfield Correctional Institution, P.O. Box 788, 1150 North Main Street, Mansfield, OH 44901 (Defendant-Appellant).

TIMOTHY P. CANNON, P.J.,

{¶1} This matter is before this court on James Titus Bowers' pro se motion for leave to file a delayed appeal, pursuant to App.R. 5, filed on April 10, 2014. The state of Ohio filed an objection on April 15, 2014.

{¶2} App R. 5(A) provides, in relevant part and emphasis added:

(1)(a) 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 * * * [c]riminal proceedings * * *.

(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.*

{¶3} Mr. Bowers has failed to comply with App.R. 5(A)(2), as he failed to concurrently file a notice of appeal in the trial court and provide this court with a copy. Mr. Bowers also did not attach a copy of the judgment being appealed, pursuant to Loc.R. 3(D)(3). In fact, there is no reference in his motion to any trial court judgment from which he is attempting to appeal.

{¶4} Mr. Bowers' motion for leave to file a delayed appeal is thus procedurally defective, and he has not invoked this court's jurisdiction. *See, e.g., State v. Burrell*, 11th Dist. Portage No. 2009-P-0018, 2009-Ohio-2083.

{¶5} However, Mr. Bowers is not barred from filing a new motion for leave to appeal that complies with the Ohio Rules of Appellate Procedure and the local rules of this court. *See State v. Corpening*, 11th Dist. Ashtabula No. 2007-A-0061, 2007-Ohio-5786, ¶11; and *Burrell, supra*, at ¶10.

{¶6} Mr. Bowers' motion for leave to file a delayed appeal is hereby denied.

{¶7} Appeal dismissed.

COLLEEN MARY O'TOOLE, J., concurs,

DIANE V. GRENDALL, J., concurs in judgment only.