

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

STATE OF OHIO,

Plaintiff-Appellee,

- v -

HENRY C. MORRISON,

Defendant-Appellant.

CASE NOS. 2021-A-0039

2021-A-0040

2021-A-0041

2021-A-0043

Criminal Appeals from the
Court of Common Pleas

Trial Court Nos. 2021 CR 00405

2021 CR 00349

2021 CR 00096

2021 CR 00078

MEMORANDUM
OPINION

Decided: January 18, 2022
Judgment: Appeals dismissed

Colleen Mary O'Toole, Ashtabula County Prosecutor, 25 West Jefferson Street,
Jefferson, OH 44047 (For Plaintiff-Appellee).

Henry C. Morrison, pro se, PID# A783322, North Central Correctional Institution,
P.O. Box 1812, Marion, OH 43302 (Defendant-Appellant).

CYNTHIA WESTCOTT RICE, J.

{¶1} On December 9, 2021, appellant, Henry C. Morrison, pro se, filed a notice of appeal in Ashtabula C.P. No. 2021 CR 00405 (11th Dist. No. 2021-A-0039) and 2021 CR 00349 (11th Dist. No. 2021-A-0040) from the trial court's October 12, 2021 sentencing entry.

{¶2} On the same date, appellant filed a notice of appeal in 2021 CR 00096 (11th Dist. No. 2021-A-0041) and 2021 CR 00078 (11th Dist. No. 2021-A-0043) from the trial court's September 17, 2021 sentencing entry.

{¶3} The appeals were consolidated by this court on December 23, 2021.

{¶4} A timely notice of appeal was due in 2021-A-0039 and 2021-A-0040 no later than November 12, 2021, which was not a holiday or weekend. Thus, the appeals are untimely filed by 27 days.

{¶5} A timely notice of appeal was due in 2021-A-0041 and 2021-A-0043 by October 18, 2021, which was not a holiday or weekend. Thus, the appeals are untimely filed by approximately one and one-half months.

{¶6} “* * * [A] party who wishes to appeal from an order that is final upon its entry shall file the notice of appeal required by App.R. 3 within 30 days of that entry.” App.R. 4(A)(1).

{¶7} “(1) 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:

{¶8} “(a) Criminal proceedings; * * *

{¶9} “(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 * * *.” App.R. 5(A).

{¶10} Appellant has neither complied with the thirty-day rule set forth in App.R. 4(A)(1) nor sought leave to appeal under App.R. 5(A). Thus, this court is without

jurisdiction to consider his appeals. Appellant has a remedy of filing an untimely criminal appeal under App.R. 5(A).

{¶11} Appeals dismissed, sua sponte, as untimely.

THOMAS R. WRIGHT, P.J.,

MARY JANE TRAPP, J.,

concur.