

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

STATE OF OHIO,

Plaintiff-Appellee,

- v -

ANTHONY L. WILMINGTON,

Defendant-Appellant.

CASE NO. 2022-P-0027

Criminal Appeal from the
Court of Common Pleas

Trial Court No. 2021 CR 00754

MEMORANDUM
OPINION

Decided: June 21, 2022
Judgment: Appeal dismissed

Victor V. Viglucci, Portage County Prosecutor, 241 South Chestnut Street, Ravenna, OH 44266 (For Plaintiff-Appellee).

Sean P. Martin, P.O. Box 716, Willoughby, OH 44096 (For Defendant-Appellant).

THOMAS R. WRIGHT, P.J.

{¶1} On May 26, 2022, appellant, Anthony L. Wilmington, through counsel, filed a notice of appeal from the trial court's April 25, 2022 entry sentencing him to serve an aggregate prison term of nine to ten and one-half years after he entered a plea of guilty to felonious assault and tampering with evidence.

{¶2} A timely notice was due no later than May 25, 2022, which was not a holiday or weekend. The appeal is untimely by one day.

{¶3} “* * * [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).

{¶4} “(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:

{¶5} “(a) Criminal proceedings; * * *

{¶6} “(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).

{¶7} 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 appeal. Appellant has a remedy of filing an untimely criminal appeal under App.R. 5(A).

{¶8} Appeal dismissed, sua sponte, as untimely.

MARY JANE TRAPP, J.,

MATT LYNCH, J.,

concur.