

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

STATE OF OHIO,

Plaintiff-Appellee,

- vs -

JACOB EDWIN WRIGHT,

Defendant-Appellant.

CASE NO. 2022-A-0051

Criminal Appeal from the
Court of Common Pleas

Trial Court No. 2020 CR 00621

MEMORANDUM
OPINION

Decided: July 25, 2022
Judgment: Appeal dismissed

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

Jacob Edwin Wright, pro se, PID# A791-886, Correctional Reception Center, 11271 State Route 762, P.O. Box 300, Orient, OH 43146 (Defendant-Appellant)

THOMAS R. WRIGHT, P.J.

{¶1} On June 28, 2022, appellant, Jacob Edwin Wright, pro se, filed a notice of appeal from a May 12, 2022 judgment entry of the Ashtabula County Court of Common Pleas. The court sentenced appellant to serve a minimum term of three years and a maximum term of four and one-half years in prison after he entered a plea of guilty to burglary.

{¶2} A timely notice of appeal was due no later than June 13, 2022, which was not a weekend or a holiday. Thus, the appeal is untimely by fifteen days.

{¶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} However, an appellant make seek leave to file an untimely criminal appeal by strictly following App.R. 5(A) which provides:

{¶5} “(1) After the expiration of the thirty day period provided by App.R. 4(A) for filing 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:

{¶6} “(a) Criminal proceedings; * * *.

{¶7} “(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 appeal in the court of appeals. The movant also shall furnish an additional copy of the notice of appeal and a copy of the motion for leave to the clerk of the court of appeals who shall serve the notice of appeal and the motion upon the prosecuting attorney.”

{¶8} Because 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), this court is without jurisdiction to consider the appeal. Appeal dismissed, sua sponte, as untimely.

MATT LYNCH, J.,
JOHN J. EKLUND, J.,
concur.