

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

STATE OF OHIO,

Plaintiff-Appellee,

- vs -

LEWIS CARL POWELL, III,

Defendant-Appellant.

CASE NO. 2022-T-0069

Criminal Appeal from the
Court of Common Pleas

Trial Court No. 2019 CR 00675

MEMORANDUM
OPINION

Decided: August 8, 2022
Judgment: Appeal dismissed

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

Rhys B. Cartwright-Jones, 42 North Phelps Street, Youngstown, OH 44503 (For Defendant-Appellant).

MARY JANE TRAPP, J.

{¶1} On June 27, 2022, appellant, through counsel, filed a notice of appeal and motion for leave to file a delayed appeal. Appellant appeals from the trial court's December 31, 2019 entry sentencing him to serve 15 months in prison after he entered a plea of guilty to failure to comply with an order or signal of a police officer; possession of cocaine; and possession of a fentanyl-related compound.

{¶2} A timely notice of appeal from the December 31, 2019 entry was due no later than January 30, 2020, which is not a weekend or holiday. The appeal is untimely filed by approximately two and one half years.

{¶3} Appellee filed a response in opposition to the motion on July 5, 2022.

{¶4} App.R. 5(A) provides, in relevant part:

{¶5} “(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:

{¶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. * * *.”

{¶8} Appellant’s motion fails to assert reasons justifying the two and one-half year delay in filing the appeal. Further, the affidavit of appellant attached to the motion contains the incorrect trial court number and is not applicable to the underlying case number (2019 CR 00675) for this appeal.

{¶9} Thus, it is ordered that appellant’s motion for leave to file a delayed appeal is hereby overruled, and the appeal is dismissed.

THOMAS R. WRIGHT, P.J.,

JOHN J. EKLUND, J.,

concur.