

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

STATE OF OHIO,

Plaintiff-Appellee,

- vs -

SCOTT MATTHEW HUGHELL,

Defendant-Appellant.

**CASE NO. 2023-A-0003**

Criminal Appeal from the  
Court of Common Pleas

Trial Court No. 2022 CR 00303

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**MEMORANDUM**  
**OPINION**

Decided: February 13, 2023  
Judgment: Appeal dismissed

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

*Scott Matthew Hughell*, pro se, NEOCAP, 411 Pine Avenue, S.E., Warren, OH 44483 (Defendant-Appellant)

MARY JANE TRAPP, J.

{¶1} On January 10, 2023, appellant, Scott Matthew Hughell, pro se, filed a notice of appeal from the trial court’s October 27, 2022 sentencing entry. A timely notice was due no later than November 28, 2022, which was not a holiday or weekend. The appeal is untimely by approximately one and one-half months.

{¶2} “\* \* \* [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).

{¶3} “(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:

{¶4} “(a) Criminal proceedings; \* \* \*

{¶5} “(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).

{¶6} 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).

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

JOHN J. EKLUND, P.J.,

MATT LYNCH, J.,

concur.