

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

STATE OF OHIO,

Plaintiff-Appellee,

- vs -

JOSE FRANCISCO FLORES SANTOS,

Defendant-Appellant.

**CASE NO. 2023-P-0073**

Criminal Appeal from the  
Court of Common Pleas

Trial Court No. 2016 CR 00199

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**MEMORANDUM**  
**OPINION**

Decided: November 27, 2023  
Judgment: Appeal dismissed.

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

*Jose Francisco Flores Santos*, pro se, PID# A691-704, Richland Correctional Institution, 1001 Olivesburg Road, P.O. Box 8107, Mansfield, OH 44905 (Defendant-Appellant).

MARY JANE TRAPP, J.

{¶1} On September 27, 2023, appellant, pro se, filed a notice of appeal and motion for leave to file a delayed appeal. Appellant appeals from the trial court's November 14, 2016 entry sentencing him to serve an aggregate prison term of 20 years after he entered a plea of guilty to two counts of aggravated vehicular homicide.

{¶2} A timely notice of appeal was due no later than December 14, 2016, which was not a holiday or a weekend. The appeal has been untimely filed by almost seven years.

{¶3} No brief or response in opposition to the motion has been filed.

{¶4} A party who wishes to appeal from a final order shall file the notice of appeal within thirty days of that entry. App.R. 4(A)(1).

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

{¶6} “(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:

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

{¶8} “(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. \* \* \*”

{¶9} As reason for the delay in filing his appeal, appellant states that he was not notified of his right to appointed counsel and his right to appeal. Also, he is not fluent in English, and he did not understand his appellate rights until after meeting with a Spanish speaking inmate who explained his rights.

{¶10} The precedent of this court is that the reason for failing to perfect an appeal as of right must be valid—i.e., the reason for delay must justify the length of time it took to initiate an appeal. See *State v. Jude*, 11th Dist. Ashtabula No. 2019-A-0012, 2019-Ohio-928, ¶ 6; *State v. Solomon*, 11th Dist. Portage No. 2018-P-0057, 2018-Ohio-3965, ¶ 14.

{¶11} Appellant’s reasons might justify a reasonable delay of time in filing his appeal. However, given the length of time of almost seven years before initiating an appeal, it is evident that appellant was not diligent in taking the proper steps to protect his

own rights. In addition, the trial court docket reflects that appellant filed a pro se motion to correct jail time in 2018, evidencing that he had some understanding of how to file pleadings.

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

MATT LYNCH, J.,

EUGENE A. LUCCI, J.,

concur.