

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

STATE OF OHIO,

Plaintiff-Appellee,

- vs -

RODERICK C. BROWN,

Defendant-Appellant.

**CASE NO. 2024-G-0011**

Criminal Appeal from the  
Court of Common Pleas

Trial Court No. 2022 C 000286

---

**MEMORANDUM**  
**OPINION**

Decided: April 9, 2024  
Judgment: Appeal dismissed

---

*James R. Flaiz*, Geauga County Prosecutor, Courthouse Annex, 231 Main Street, Suite 3A, Chardon, OH 44024 (For Plaintiff-Appellee).

*Sean P. Martin*, 113 North Chestnut Street, Suite A, Jefferson, OH 44047 (For Defendant-Appellant).

MATT LYNCH, J.

{¶1} Appellant, Roderick Brown, through counsel, filed a notice of appeal on February 26, 2024, from the trial court’s January 17, 2024 sentencing entry. A timely appeal from the January entry was due no later than February 16, 2024, which was not a holiday or weekend. Thus, the appeal is untimely filed by ten days.

{¶2} App.R. 4(A)(1) states in relevant part:

{¶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.”

{¶4} App.R. 5(A) states, 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} Here, 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 this appeal.

{¶9} Accordingly, this appeal is hereby sua sponte dismissed as being untimely.

MARY JANE TRAPP, J.,

JOHN J. EKLUND, J.,

concur.