

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

STATE OF OHIO,

Plaintiff-Appellee,

- vs -

JEFFERY D. BROWN, II,

Defendant-Appellant.

**CASE NOS. 2023-L-119
2023-L-120**

Criminal Appeals from the
Court of Common Pleas

Trial Court Nos. 2019 CR 001348
2020 CR 000392

**MEMORANDUM
OPINION**

Decided: January 22, 2024
Judgment: Appeals dismissed

Charles E. Coulson, Lake County Prosecutor, Lake County Administration Building, 105 Main Street, P.O. Box 490, Painesville, OH 44077 (For Plaintiff-Appellee).

Jeffery D. Brown, II, pro se, PID# A774-399, Trumbull Correctional Institution, 5701 Burnett Street, P.O. Box 901, Leavittsburg, OH 44430 (Defendant-Appellant).

MATT LYNCH, J.

{¶1} On December 26, 2023, appellant, Jeffery D. Brown, II, pro se, filed notices of appeal from the trial court’s April 12, 2023 entry, which he attached to his notices. A timely notice was due no later than May 12, 2023, which was not a holiday or weekend. The appeals are untimely by over seven 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} Appeals dismissed, sua sponte, as untimely.

EUGENE A. LUCCI, P.J.,

JOHN J. EKLUND, J.,

concur.