

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

STATE OF OHIO,

Plaintiff-Appellee,

- vs -

DANIEL ALAN TAYLOR,

Defendant-Appellant.

CASE NO. 2024-A-0044

Criminal Appeal from the
Court of Common Pleas

Trial Court No. 2021 CR 00393

MEMORANDUM
OPINION

Decided: June 10, 2024
Judgment: Appeal dismissed

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

Daniel Alan Taylor, pro se, PID# A792-992, Southern Ohio Correctional Facility, 1724 State Route 728, P.O. Box 45699, Lucasville, OH 45699 (Defendant-Appellant).

ROBERT J. PATTON, J.

{¶1} Appellant, Daniel Alan Taylor, pro se, filed a notice of appeal on May 17, 2024, from the trial court's August 19, 2022 sentencing entry. A timely appeal from the August entry was due no later than September 19, 2022, which was not a holiday or weekend. Thus, the appeal is untimely filed by approximately one year and eight months.

{¶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, the appeal is hereby dismissed as being untimely.

{¶10} Appeal dismissed.

EUGENE A. LUCCI, P.J.,

MATT LYNCH, J.,

concur.