

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

STATE OF OHIO,

Plaintiff-Appellee,

- vs -

GEORGE CHAMBERS,

Defendant-Appellant.

CASE NO. 2024-T-0068

Criminal Appeal from the
Court of Common Pleas

Trial Court No. 2023 CR 00690

MEMORANDUM
OPINION

Decided: October 7, 2024
Judgment: Appeal dismissed

Dennis Watkins, Trumbull County Prosecutor, and *Ryan J. Sanders*, Assistant Prosecutor, Administration Building, Fourth Floor, 160 High Street, N.W., Warren, OH 44481 (For Plaintiff-Appellee).

George Chambers, pro se, PID# A812-340, London Correctional Institution, 1580 State Route 56, S.W., P.O. Box 69, London, OH 43140 (Defendant-Appellant).

EUGENE A. LUCCI, P.J.

{¶1} On September 6, 2024, appellant, George Chambers, filed a pro se notice of appeal from the trial court’s June 3, 2024 judgment of conviction and sentence. On September 9, 2024, appellee, the State of Ohio, filed a motion to dismiss the appeal as untimely. Appellant subsequently filed a “Motion for Leave to File Delayed Appeal” on September 12, 2024. No response to appellant’s motion for leave has been filed.

{¶2} A timely notice of appeal from the trial court’s June 3, 2024 entry was due no later than July 3, 2024, which was not a holiday or weekend. The appeal is untimely by approximately 2 months.

{¶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.” App.R. 4(A)(1).

{¶4} App.R. 5(A)(1) states:

{¶5} “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} App.R. 5(A)(2) further provides that “[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.*” (Emphasis added.)

{¶8} In his motion for leave, appellant includes a list of “new evidence;” however, he does not provide any reason for the two-month delay in filing his appeal. “Setting forth one’s reasons for filing a late appeal is one of the primary requirements under App.R. 5(A).” *State v. Tenney*, 2009-Ohio-4104, ¶ 9 (11th Dist.).

{¶9} Appellant has not complied with App.R. 5(A)(2) as his motion does not set forth any reason for a delay in filing his appeal.

{¶10} Accordingly, appellant’s motion for leave to file a delayed appeal is overruled, and the appeal is hereby dismissed.

MARY JANE TRAPP, J.,

ROBERT J. PATTON, J.,

concur.