

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

STATE OF OHIO,

Plaintiff-Appellee,

- vs -

SHURMALE LAMAR GARNER,

Defendant-Appellant.

CASE NO. 2025-L-075

Civil Appeal from the
Court of Common Pleas

Trial Court No. 2006 CR 000174

MEMORANDUM OPINION AND JUDGMENT ENTRY

Decided: July 21, 2025
Judgment: Appeal dismissed

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

Shurmale Lamar Garner, pro se, 4 Westway Court, Rochester, NY 14624 (Defendant-Appellant).

ROBERT J. PATTON, P.J.

{¶1} On June 16, 2025, appellant, Shurmale Lamar Garner, filed a pro se notice of appeal from the trial court’s April 15, 2025 entry denying his “Motion to Terminate the Void Post Release Control Sanction that was Defectively Imposed.”

{¶2} App.R. 3(A) expressly states that the only jurisdictional requirement for filing a valid appeal is to file it within the time allowed by App.R. 4. “[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} The Supreme Court has held that the failure to comply with the time requirements of App.R. 4(A) is a jurisdictional defect, which is fatal to an appeal. *In re H.F.*, 2008-Ohio-6810, ¶ 17, citing *State ex rel. Pendell v. Adams Cty. Bd. of Elections*, 40 Ohio St.3d 58, 60 (1988).

{¶4} Here, a timely appeal from the April 15, 2025 entry was due no later than May 15, 2025, which was not a holiday or weekend. Thus, the appeal was untimely filed by approximately one month.

{¶5} Appellant has not complied with the thirty-day rule set forth in App.R. 4(A)(1). Therefore, this court is without jurisdiction to consider this appeal.

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

MATT LYNCH, J.,

SCOTT LYNCH, J.,

concur.

JUDGMENT ENTRY

For the reasons stated in the memorandum opinion of this court, it is ordered that this appeal is hereby dismissed, sua sponte, as untimely.

Costs shall be taxed against appellant.

PRESIDING JUDGE ROBERT J. PATTON

JUDGE MATT LYNCH,
concur

JUDGE SCOTT LYNCH,
concur

THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY

A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.