

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

STATE OF OHIO,

Plaintiff-Appellee,

- vs -

CORTEZ O. HOPPER,

Defendant,

(CITY BONDING, et al.,

Appellants).

CASE NO. 2025-L-094

Criminal Appeal from the
Court of Common Pleas

Trial Court No. 2024 CR 000015

MEMORANDUM OPINION AND JUDGMENT ENTRY

Decided: February 2, 2026
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).

Timothy J. Kucharski, Richarson & Kucharski Co., L.P.A., 1200 West Third Street, Suite 190, Cleveland, OH 44113 (For Appellants).

ROBERT J. PATTON, J.

{¶1} On July 31, 2025, appellants, City Bonding and Universal Fire and Casualty Insurance Company, through counsel, filed a notice of appeal and a motion for delayed appeal.

{¶2} Appellants seek to appeal from the trial court's June 13, 2025 entry denying their motion to vacate the judgment of bond forfeiture. A timely notice of appeal from the

June 13, 2025 entry was due no later than July 14, 2025, which was not a holiday or weekend. The appeal is untimely by 17 days.

{¶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} 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).

{¶5} App.R. 5(A) provides that, in specific types of cases, a defendant may request leave to file an appeal beyond the thirty-day period prescribed by App.R. 4(A). The rule does not extend the right to non-defendants or other parties to the matter.

{¶6} Because the appeal is untimely and only a defendant may file a motion for delayed appeal after the expiration of the thirty-day period, appellants’ motion for leave to file a delayed appeal is overruled, and the appeal is hereby dismissed.

MATT LYNCH, P.J.,

SCOTT LYNCH, J.,

concur.

JUDGMENT ENTRY

For the reasons stated in the memorandum opinion of this court, it is ordered that appellants' motion for leave to file a delayed appeal is overruled, and the appeal is hereby dismissed.

Costs to be taxed against appellants.

JUDGE ROBERT J. PATTON

PRESIDING 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.