

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

STATE OF OHIO,

Plaintiff-Appellee,

- vs -

JOSHUA D. BORN,

Defendant-Appellant.

CASE NO. 2025-P-0081

Criminal Appeal from the
Court of Common Pleas

Trial Court No. 2025 CR 00399

MEMORANDUM OPINION AND JUDGMENT ENTRY

Decided: March 2, 2026
Judgment: Appeal dismissed

Connie J. Lewandowski, Portage County Prosecutor, *Theresa M. Scahill* and *James W. Armstrong*, Assistant Prosecutors, 241 South Chestnut Street, Ravenna, OH 44266 (For Plaintiff-Appellee).

Wesley C. Buchanan, 50 South Main Street, Suite 625, Akron, OH 44308 (For Defendant-Appellant).

EUGENE A. LUCCI, J.

{¶1} On November 12, 2025, appellant, Joshua D. Born, filed a pro se notice of appeal from the Portage County Court of Common Pleas' September 29, 2025 sentencing entry. Attorney Wesley C. Buchanan was subsequently appointed by the trial court as counsel to represent appellant for purposes of appeal. On December 15, 2025, counsel, on appellant's behalf, filed an amended notice of appeal from the same September 29, 2025 entry.

{¶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} App.R. 5(A)(1) states:

{¶4} “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:

{¶5} “(a) Criminal proceedings . . .”

{¶6} 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.”

{¶7} A timely notice of appeal from the September 29, 2025 entry was due no later than October 29, 2025, which was not a holiday or weekend. The appeal is untimely by fourteen days.

{¶8} 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 the appeal. Appellant has a remedy of filing an untimely criminal appeal under App.R. 5(A).

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

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 this appeal is hereby dismissed, sua sponte, as untimely.

Costs shall be taxed against appellant.

JUDGE EUGENE A. LUCCI

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.