

[Cite as *State v. Andruk*, 2004-Ohio-2962.]

COURT OF APPEALS  
STARK COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

STATE OF OHIO

Plaintiff-Appellee

-vs-

ARTHUR ANDRUKAT, JR.

Defendant-Appellant

JUDGES:

Hon. Sheila G. Farmer, P. J.

Hon. John W. Wise, J.

Hon. John F. Boggins, J.

Case No. 2003CA00401

OPINION

CHARACTER OF PROCEEDING: Criminal Appeal from the Court of Common  
Pleas, Case No. 2001CR00735

JUDGMENT: Dismissed

DATE OF JUDGMENT ENTRY: June 7, 2004

APPEARANCES:

For Plaintiff-Appellee

For Defendant-Appellant

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*Wise, J.*

{¶1} Appellant Arthur Andrukat appeals from the denial of his motion to vacate sentence in the Court of Common Pleas, Stark County. The relevant facts leading to this appeal are as follows.

{¶2} On October 9, 2001, appellant was sentenced by the Stark County Court of Common Pleas, following pleas of guilty to five counts of menacing by stalking (R.C. 2903.211(A)). The convictions and sentences were based on charges that appellant made numerous threatening telephone calls to five separate female victims. On May 19, 2003, we affirmed appellant's convictions and sentences. See *State v. Andrukat*, Stark App. No. 2002CA00352, 2003-Ohio-2643.

{¶3} On October 1, 2003, appellant filed in the trial court a pro se "motion to correct and/or to vacate an incorrect sentence." The court issued a judgment entry denying appellant's motion on October 2, 2003. On November 24, 2003, appellant filed a notice of appeal. The matter was set for oral argument before this Court on April 22, 2004. On April 20, 2004, the State filed a motion to dismiss the appeal. Appellant did not respond thereto.

{¶4} Appellant herein raises the following two Assignments of Error:

{¶5} "1. THAT THE TRIAL COURT ERRED AS A MATTER OF LAW WHEN IT IMPOSED THE MAXIMUM PUNISHMENT AND RAN THE SENTENCES CONSECUTIVELY TO EACH OTHER IN VIOLATION OF R.C. SEC. 2929.14(B).

{¶6} “II. THE TRIAL COURT FAILED TO FIND UPON THE RECORD THE MANDATES FOR IMPOSING CONSECUTIVELY IMPOSED SENTENCES.”

I, II

{¶7} The record reveals appellant filed his notice of appeal well outside the thirty-day deadline set forth in App.R. 4(A). This time requirement is jurisdictional in nature. See, e.g., *State v. Elersic*, Lake App.No. 2003-L-198, 2004-Ohio-1707, ¶ 6, citing *State ex rel. Pendell v. Adams Cty. Bd. of Elections* (1988), 40 Ohio St.3d 58, 60. Furthermore, appellant, by neglecting to file a docketing statement, has failed to comply with this Court’s Loc.R. 6(A).

{¶8} Accordingly, we are compelled to dismiss the within appeal.

{¶9} For the reasons stated in the foregoing opinion, the appeal of the judgment of the Court of Common Pleas, Stark County, Ohio, is hereby dismissed.

By: Wise, J.

Farmer, P. J., and

Boggins, J., concur.

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JUDGES

