

**THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
ASHTABULA COUNTY, OHIO**

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2006-A-0055
LUCAS L. WILLIAMS,	:	
Defendant-Appellant.		

Criminal Appeal from the Court of Common Pleas, Case No. 2002 CR 259.

Judgment: Appeal dismissed.

Thomas L. Sartini, Ashtabula County Prosecutor, Ashtabula County Courthouse, 25 West Jefferson Street, Jefferson, OH 44047-1092 (For Plaintiff-Appellee).

Lucas L. Williams, pro se, PID: 471-172, Mansfield Correctional Institution, P.O. Box 788, Mansfield, OH 44901 (Defendant-Appellant).

WILLIAM M. O'NEILL, J.,

{¶1} On September 11, 2006, appellant, Lucas L. Williams, pro se, filed a notice of appeal from his conviction and sentence of August 1, 2006, from the Ashtabula County Court of Common Pleas.

{¶2} On September 12, 2006, appellee filed a motion to dismiss the appeal as being untimely.

{¶3} App.R. 4(A) states in part:

{¶4} "A party shall file the notice of appeal required by App.R. 3 within thirty days of the later of entry of the judgment or order appealed ***."

{¶5} In this case, appellant's notice of appeal was due by Thursday, August 31, 2006, which was not a holiday or a weekend. The notice of appeal was not filed until September 11, 2006.

{¶6} App.R. 5(A) states, in relevant part:

{¶7} "(1) 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:

{¶8} "(a) Criminal proceedings;

{¶9} "(b) Delinquency proceedings; and

{¶10} "(c) Serious youthful offender proceedings.

{¶11} "(2) 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. ***"

{¶12} In the present case, appellant has neither complied with the thirty-day rule set forth in App.R. 4(A) nor sought leave to appeal. Thus, this court is without jurisdiction to consider this appeal.

{¶13} Therefore, appellee's motion to dismiss is granted, and the appeal is dismissed pursuant to App.R. 4(A).

{¶14} Appeal dismissed.

CYNTHIA WESTCOTT RICE, J.,

COLLEEN MARY O'TOOLE, J.,

concur.