

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

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2009-L-031
TIMOTHY W. MELOY,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Court of Common Pleas, Case No. 07 CR 000662.

Judgment: Appeal dismissed.

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

Timothy W. Meloy, pro se, PID: 540-349, Lake Erie Correctional Institution, P.O. Box 8000, Conneaut, OH 44030 (Defendant-Appellant).

COLLEEN MARY O'TOOLE, J.

{¶1} On March 2, 2009, appellant, Timothy W. Meloy, pro se, filed his notice of appeal from a January 22, 2009 judgment issued by the Lake County Court of Common Pleas denying his motion for judicial release under R.C. 2929.20. Thus, the appeal was filed thirty-nine days after judgment was entered.

{¶2} Pursuant to Article IV, Section 3(B)(2), of the Ohio Constitution, appellate courts have jurisdiction to review, affirm, modify, or reverse judgments or final orders from

courts of record inferior to the court of appeals and from final orders or actions of administrative officers or agencies.

{¶3} In *State v. Coffman*, 91 Ohio St.3d 125, 126, 2001-Ohio-273, the Supreme Court of Ohio expressly held that “a trial court’s denial of a motion for shock probation is never a final appealable order.” In addition, appellate courts in Ohio that have addressed this issue after *Coffman* have held that the same logic is applicable to a denial of a motion for judicial release since it mirrors shock probation. *State v. Woods* (2001), 141 Ohio App.3d 549, 550; *State v. Williams*, 10th Dist. No. 07AP-1035, 2008-Ohio-1906, at ¶9; *State v. Mayle*, 5th Dist. Nos. 07-CA-0006 and 07-CA-0007, 2008-Ohio-3761, at ¶13; *State v. Greene*, 2d Dist. No. 02-CA-17, 2002-Ohio-2595, at ¶6.

{¶4} App.R. 4(A) states in relevant part:

{¶5} “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 ***.”

{¶6} Clearly, the appealed judgment denying appellant’s motion for judicial release is not a final appealable order. In addition, even if the judgment was a final appealable order, it is untimely since appellant filed his notice of appeal beyond the thirty-day requirement in App.R. 4(A).

{¶7} Therefore, this appeal is hereby dismissed for lack of jurisdiction.

{¶8} Appeal dismissed.

MARY JANE TRAPP, P.J.,

TIMOTHY P. CANNON, J., concur.