

**IN THE COURT OF APPEALS
ELEVENTH APPELLATE DISTRICT
TRUMBULL COUNTY, OHIO**

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2010-T-0127
ARTHUR BELL,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Court of Common Pleas, Case No. 2000 CR 279.

Judgment: Appeal dismissed.

Dennis Watkins, Trumbull County Prosecutor, *LuWayne Annos*, Assistant Prosecutor, Administration Building, Fourth Floor, 160 High Street, N.W., Warren, OH 44481 (For Plaintiff-Appellee).

Arthur Bell, pro se, PID: 561-428, Marion Correctional Institution, P.O. Box 57, Marion, OH 43301-0057 (Defendant-Appellant).

MARY JANE TRAPP, J.

{¶1} On December 10, 2010, appellant, Arthur Bell, filed a pro se motion for a delayed appeal pursuant to App.R. 5(A), along with his notice of appeal. Appellant is attempting to appeal his original judgment of conviction and sentence issued by the Trumbull County Court of Common Pleas on February 11, 2009. An appeal of that judgment was due by March 13, 2009, almost two years ago.

{¶2} Appellee filed its response opposing the motion for leave to file a delayed appeal on December 16, 2010.

{¶3} App.R. 5(A) provides, in relevant part:

{¶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} “(b) Delinquency proceedings; and

{¶7} “(c) Serious youthful offender proceedings.

{¶8} “(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. Concurrently with the filing of the motion, the movant shall file with the clerk of the trial court a notice of appeal in the form prescribed by App.R. 3 and shall file a copy of the notice of the appeal in the court of appeals.”

{¶9} As reasons for failing to file a timely appeal of his February 11, 2009 resentencing entry, appellant generally asserts in his motion that he had no contact with his trial counsel and that his trial counsel would not file anything further on his behalf.

{¶10} In its response in opposition to the motion, appellee indicates that appellant “has become an experienced pro se litigator with multiple pro se filings in the Eleventh District Court of Appeals including but not limited to his Notice of Appeal to file Delayed Appeal, 11th Dist. No. 2010-T-0089, Motion for Reconsideration, 11th Dist. No. 2010-T-0037, and Motion for Jail Time Credit, 11th Dist. No. 2010-T-0009.”

{¶11} Appellant's prior appeals with this court, 11th Dist. No. 2010-T-0037 and 11th Dist. No. 2010-T-0089, were appeals from the trial court's January 12, 2010 entry denying his pro se motion for jail time credit. The present appeal is appellant's first attempt at appealing the trial court's February 11, 2009 resentencing order.

{¶12} By filing the previous appeals and motions with this court, appellant has shown that he had the knowledge and capability to file an appeal but failed to take the proper steps to protect his rights and file a timely appeal from the February 11, 2009 entry. Further, his reasons for this failure do not justify nearly a two-year delay in filing his notice of appeal.

{¶13} Accordingly, it is ordered that appellant's pro se motion for leave to file a delayed appeal is hereby overruled.

{¶14} Appeal dismissed.

TIMOTHY P. CANNON, P.J.,

DIANE V. GRENDALL, J.,

concur.