

[Cite as *State v. Blackwood*, 2004-Ohio-2160.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 83208

STATE OF OHIO	:	JOURNAL ENTRY
	:	AND
Plaintiff-appellee	:	OPINION
	:	
-vs-	:	
	:	
GERVASE BLACKWOOD	:	
	:	
Defendant-appellant	:	

DATE OF ANNOUNCEMENT
OF DECISION: APRIL 29, 2004

CHARACTER OF PROCEEDING: Criminal appeal from the
Court of Common Pleas
Case No. CR-420375

JUDGMENT: Dismissed.

DATE OF JOURNALIZATION:

APPEARANCES:

For Plaintiff-Appellee: WILLIAM D. MASON, ESQ.
CUYAHOGA COUNTY PROSECUTOR
BY: KRISTEN LUSNIA, ESQ.
ASST. COUNTY PROSECUTOR
1200 Ontario Street
Cleveland, Ohio 44113

For Defendant-Appellant: GERVASE BLACKWOOD, PRO SE
River Correctional Inst.
26262 Hwy. 15
Ferriday, LA 71334

ANN DYKE, J.:

{¶1} Defendant-appellant Gervase Blackwood ("appellant") appeals from the judgment of the trial court which denied his motion to reconsider the denial of his motion to withdraw his guilty plea. For the reasons set forth below, we dismiss the instant appeal as untimely.

{¶2} On August 14, 2002, appellant pled guilty to drug trafficking in violation of R.C. 2925.03 with a juvenile offender specification. The remaining counts were nolle. The court accepted appellant's guilty plea and on September 24, 2002, sentenced him accordingly. In March of 2003, appellant filed a motion to withdraw his guilty plea, which the trial court denied on June 2, 2003. Appellant filed with the trial court a motion to reconsider his motion to withdraw his guilty plea which the trial court denied on June 23, 2003. On July 23, 2003, appellant appealed to this court.

{¶3} Motions for reconsideration in the trial court are nullities. *Beal v. Allen*, Cuyahoga App. No. 79567, 2002-Ohio-4054, citing *Pitts v. Dept. of Transportation* (1981), 67 Ohio St.2d 378. "A motion for reconsideration of a final judgment is a nullity which does not suspend the time for filing a notice of appeal, and any order granting such a motion is likewise a nullity." *State v. Harbert*, 9th Dist. No. 20955, 2002-Ohio-6114.

{¶4} In this case, because appellant did not appeal the trial court's decision to deny his motion to withdraw his guilty plea within thirty days pursuant to App.R. 4, nor did he obtain leave of court to file a delayed appeal pursuant to App.R. 5 (A), his appeal is untimely and is therefore dismissed.

Appeal dismissed.

It is ordered that appellee recover of appellant, its costs herein taxed.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure. Exceptions.

MICHAEL J. CORRIGAN, A.J., AND

SEAN C. GALLAGHER, J., CONCUR.

ANN DYKE
JUDGE

N.B. This entry is an announcement of the court's decision. See App. R. 22(B), 22(D) and 26(A); Loc.App.R. 27. This decision will be journalized and will become the judgment and order of the court

pursuant to App. R. 22(E) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this court's announcement of decision by the clerk per App.R. 22(E). See, also S.Ct.Prac.R. II, Section 2(A)(1).