

COURT OF APPEALS
STARK COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO	:	JUDGES:
	:	Hon. W. Scott Gwin, P.J.
	:	Hon. Julie A. Edwards, J.
Plaintiff-Appellee	:	Hon. Patricia A. Delaney, J.
	:	
-vs-	:	
	:	Case No. 2011-CA-00036
\$1885.00 IN U.S. CURRENCY	:	
(Criminal Case No. 2009-CR-0437	:	
Johnny Brack)	:	
	:	<u>OPINION</u>
Defendant-Appellant	:	

CHARACTER OF PROCEEDING: Civil appeal from the Stark County Court of
Common Pleas, Case No. 09-MI-0131

JUDGMENT: Dismissed

DATE OF JUDGMENT ENTRY: June 20, 2011

APPEARANCES:

For Plaintiff-Appellee

For Defendant-Appellant

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Gwin, P.J.

{¶1} Leisha Sherrell-Sims appeals a judgment of the Court of Common Pleas of Stark County, Ohio, which found money seized by the North Canton police was the property of Johnny V. Brack, and ordered the money sent to the clerk of court to apply to amounts Brack owed on prior cases. Appellant shared a home with Brack. Brack was arrested on drug charges but acquitted; appellant was never charged with a crime.

{¶2} The court journalized its judgment on December 7, 2010. On January 27, 2011, the court issued a nunc pro tunc entry to correct a scrivener's error. On February 10, 2011, appellant filed her notice of appeal.

{¶3} App. R. 4 (A) provides a notice of appeal must be filed within 30 days from the entry of the judgment being appealed. The time requirement is jurisdictional, and this court has no jurisdiction to review an untimely appeal. *Rundle v. Rundle* (1997), 123 Ohio App. 3d 304, 305, 704 N.E. 2d 56, citations deleted.

{¶4} A nunc pro tunc order speaks as of the date of the original judgment, and does not extend the 30-day filing period for an appeal. *Gold Touch, Inc. v. TJS Lab, Inc.* (1998), 130 Ohio App. 3d 106, 719 N.E. 2d 629.

{¶15} We find we lack jurisdiction to review this judgment, and accordingly the appeal is dismissed.

By Gwin, P.J.,

Edwards, J., and

Delaney, J., concur

HON. W. SCOTT GWIN

HON. JULIE A. EDWARDS

PATRICIA A. DELANEY

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