

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

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2004-T-0001
TIMOTHY AARRON BROWN,	:	
Defendant-Appellant.	:	

Criminal appeal from the Court of Common Pleas, Case No. 99 CR 0575.

Judgment: Appeal Dismissed.

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

Jeffrey V. Goodman, 252 Seneca Avenue, N.E., Warren, OH, 44481 (For Defendant-Appellant).

JUDITH A. CHRISTLEY, J.

{¶1} On January 2, 2004, appellant, Timothy Aarron Brown, filed a motion for leave to file a delayed appeal pursuant to App.R. 5(A). The appealed judgment is a November 10, 2003 decision of the Trumbull County Court of Common Pleas denying Appellant's motion for judicial release.

{¶2} On January 5, 2004, appellee, State of Ohio, filed a motion to dismiss the appeal for lack of a final appealable order.

{¶3} In *State v. Coffman*, 91 Ohio St. 3d 125, the Supreme Court of Ohio expressly held that “a trial court’s denial of shock probation is never a final appealable order.” *Id.* at 126. Every appellate court in Ohio that has addressed this issue after *Coffman* has held that that the same logic is applicable to a denial of a motion for judicial release since it mirrors shock probation. *State v. Ingram*, 10th Dist. No. 03AP-149, 2003-Ohio-5380; *State v. Greene*, 2nd Dist. No. 02-CA-17, 2002-Ohio-2595; *State v. Galbreath* (June 11, 2001), 12th Dist. No. CA2000-10-078, 2001 WL 649815. Since there is no right to judicial release, the denial of a motion for judicial release cannot affect a “substantial right” as that term is defined in R.C. 2505.02 (A)(1).

{¶4} Based upon the foregoing analysis, appellee’s motion to dismiss this appeal is hereby granted. Appellant’s motion for leave to file a delayed appeal is overruled.

{¶5} The appeal is dismissed.

Appeal dismissed.

WILLIAM M. O’NEILL and DIANE V. GRENDELL, JJ., concur.