

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

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2005-L-149
SANTIAGO A. HERNANDEZ-REYNOSO,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Court of Common Pleas, Case No. 04 CR 000426

Judgment: Appeal Dismissed.

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

Santiago A. Hernandez-Reynoso, pro se, PID: 474-743, Lake Erie Correctional Institution, P.O. Box 8000, Conneaut, OH, 44030-8000 (Defendant-Appellant).

DIANE V. GRENDELL, J.

{¶1} On September 13, 2005, appellant, Santiago A. Hernandez-Reynoso, filed a motion for leave to file a delayed appeal in this criminal matter. However, appellant failed to simultaneously file a notice of appeal as is required by App.R. 5(A).

{¶2} The provisions of App.R. 5(A) are mandatory and jurisdictional. *State v. Fisher* (1975), 46 Ohio App.2d 279, 280. Accordingly, this court has no choice but to overrule appellant's motion for leave to file a delayed appeal.

{¶3} We note that appellant is not precluded from filing another motion for leave to file a delayed appeal in addition to a proper notice of appeal that complies with all applicable appellate rules.

{¶4} Appeal dismissed.

CYNTHIA WESTCOTT RICE, J.,

COLLEEN MARY O'TOOLE, J.,

concur.