

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

STATE OF OHIO,	:	<b>MEMORANDUM OPINION</b>
Plaintiff-Appellee,	:	
- vs -	:	<b>CASE NO. 2009-G-2929</b>
JESSE M. SHAFFER,	:	
Defendant-Appellant.	:	

Civil Appeal from the Chardon Municipal Court, Case No. 2005 CRB 00568.

Judgment: Appeal dismissed.

*James M. Gillette*, City of Chardon Police Prosecutor, National City Bank Building, 117 South Street, #208, Chardon, OH 44024 (For Plaintiff-Appellee).

*Mark B. Marein*, Marein & Bradley, 222 Leader Building, 526 Superior Avenue, Cleveland, OH 44114-1210 (For Defendant-Appellant).

CYNTHIA WESTCOTT RICE, J.

{¶1} On October 13, 2009, appellant, Jesse M. Shaffer, filed a notice of appeal from a September 16, 2009 entry issued by the Chardon Municipal Court, which denied his motion for reconsideration. Appellant moved the trial court to reconsider its judgment entry of July 9, 2009 denying his Application for Sealing of the Record. No appeal was filed within thirty days from the July 9 judgment entry.

{¶2} It is well established that the filing of a motion for reconsideration from a final appealable order in the trial court is a nullity. *Pitts v. Ohio Dept. of Transp.* (1981),

67 Ohio St.2d 378, 381. See, also, *Keyerleber v. Keyerleber*, 11th Dist. No. 2007-A-0010, 2007-Ohio-3018, at ¶3. Therefore, all judgments or orders from a motion for reconsideration are a nullity. *Pitts* at 381. Thus, in the instant matter, the September 16, 2009 order denying appellant’s motion for reconsideration is a nullity and is not a final appealable order for this court’s review.

{¶3} In addition, the filing of the motion for reconsideration did not toll the time for filing an appeal from a final judgment. *Id.* at 380.

{¶4} Therefore, in the present case, if appellant was dissatisfied with the trial court’s ruling on his Application for Sealing of the Record, he had thirty days to file an appeal from the July 9, 2009 judgment entry. A notice of appeal from that entry was due by August 10, 2009, which was not a holiday or a weekend.

{¶5} App.R. 4(A) states that:

{¶6} “A party shall file the notice of appeal required by App.R. 3 within thirty days of the later of entry of the judgment or order appealed or, in a civil case, service of the notice of judgment and its entry if service is not made on the party within the three day rule period in Rule 58(B) of the Ohio Rules of Civil Procedure.”

{¶7} Based upon the foregoing analysis, this appeal is hereby dismissed, sua sponte, for lack of a final appealable order and untimely pursuant to App.R.4(A).

{¶8} Appeal dismissed.

COLLEEN MARY O’TOOLE, J.,

TIMOTHY P. CANNON, J.,

concur.