

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

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2012-A-0046
ARTHUR A. GREENTER,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Court of Common Pleas, Case No. 2007 CR 433.

Judgment: Appeal dismissed.

Thomas L. Sartini, Ashtabula County Prosecutor, and *Shelley M. Pratt*, Assistant Prosecutor, Ashtabula County Courthouse, 25 West Jefferson Street, Jefferson, OH 44047-1092 (For Plaintiff-Appellee).

Arthur A. Grenter, pro se, PID: 552-453, Marion Correctional Institution, P.O. Box 57, Marion, OH 43301-0057 (Defendant-Appellant).

MARY JANE TRAPP, J.

{¶1} This matter is before this court on the pro se motion of appellant, Arthur A. Grenter, for leave to file a delayed appeal pursuant to App.R. 5(A). Along with his motion, Mr. Grenter filed a notice of appeal on September 14, 2012. Mr. Grenter is appealing the September 3, 2009 judgment issued by the Ashtabula County Court of Common Pleas, overruling his motion to withdraw a guilty plea. Thus, Mr. Grenter filed his notice of appeal approximately three years past the filing deadline.

{¶2} On September 21, 2012, appellee, the state of Ohio, filed a response in opposition to the motion. The state maintains that Mr. Grenter fails to offer sufficient reasons to validly excuse his failure to perfect an appeal as of right.

{¶3} App.R. 5(A) states, in relevant part:

{¶4} “(1) After the expiration of the thirty day period provided by App.R. 4(A) for the filing of a notice of appeal as of right, an appeal may be taken by a defendant with leave of the court to which the appeal is taken in the following classes of cases:

{¶5} “(a) Criminal proceedings;

{¶6} “* * *

{¶7} “(2) A motion for leave to appeal shall be filed with the court of appeals and shall set forth the reasons for the failure of the appellant to perfect an appeal as of right. Concurrently with the filing of the motion, the movant shall file with the clerk of the trial court a notice of appeal in the form prescribed by App.R. 3 and shall file a copy of the notice of the appeal in the court of appeals.”

{¶8} In his motion, Mr. Grenter asserts the following as his reasons for failing to perfect a timely appeal: (1) he did not have coherent and rational useful personal knowledge of his appeal rights; (2) he did not know appellate procedures; (3) he lacked knowledge of his rights as an indigent defendant to be appointed counsel on appeal; and (4) he was unaware of his rights to “necessary materials.”

{¶9} Importantly, we note that despite the foregoing allegations, Mr. Grenter has brought timely appeals on other matters in the past and has prosecuted two previous appeals with this court entirely on his own. *State v. Grenter*, 11th Dist. No. 2011-A-0013, 2011-Ohio-6003; *State v. Grenter*, 11th Dist. No. 2011-A-0076, 2012-Ohio-3419.

{¶10} Given the length of time that has passed from the trial court's September 3, 2009 judgment overruling Mr. Greuter's motion to withdraw his guilty plea, until the filing of his September 14, 2012 notice of appeal, it is evident that Mr. Greuter was not diligent in taking the proper steps to protect his own rights. In addition, the reasons submitted by Mr. Greuter as the cause for the delay do not justify waiting almost three years to initiate an appeal. Therefore, we find that Mr. Greuter has not satisfied the requirements of App.R. 5(A).

{¶11} Accordingly, it is ordered that Mr. Greuter's pro se motion for leave to file a delayed appeal is hereby overruled.

{¶12} Appeal dismissed.

TIMOTHY P. CANNON, P.J.,

CYNTHIA WESTCOTT RICE, J.,

concur.