

[Cite as *State v. Grenter*, 2012-Ohio-6128.]

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

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2012-A-0050
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, 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} On October 26, 2012, appellant, Arthur A. Grenter, filed a pro se notice of appeal from a September 24, 2012 judgment of the Ashtabula County Court of Common Pleas.

{¶2} App.R. 4(A) states, in part that “[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 * * *.”

{¶3} In this case, Mr. Grenter’s notice of appeal was due by October 24, 2012, which was neither a weekend nor a holiday. However, it was not filed until October 26, 2012. Thus, it is untimely by two days.

{¶4} App.R. 5(A) states, in part:

{¶5} “(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:

{¶6} “(a) Criminal proceedings;

{¶7} “* * *

{¶8} “(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.”

{¶9} Here, Mr. Greuter has neither complied with the thirty-day rule set forth in App.R. 4(A) nor sought leave to appeal. Additionally, App.R. 14(B) states that “[t]he court may not enlarge or reduce the time for filing a notice of appeal * * *.” Thus, this court is without jurisdiction to consider this appeal.

{¶10} Importantly, we note that Mr. Greuter 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. Greuter*, 11th Dist. No. 2011-A-0013, 2011-Ohio-6003; *State v. Greuter*, 11th Dist. No. 2011-A-0076, 2012-Ohio-3419.

{¶11} Appeal dismissed, sua sponte, pursuant to App.R. 4(A).

TIMOTHY P. CANNON, P.J.,

CYNTHIA WESTCOTT RICE, J.,

concur.