

IN THE COURT OF APPEALS

ELEVENTH APPELLATE DISTRICT

ASHTABULA COUNTY, OHIO

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	CASE NO. 2018-A-0041
- VS -	:	
RICHARD THOMAS CORPENING,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Ashtabula Court of Common Pleas, Case No. 2003 CR 00106.

Judgment: Appeal dismissed.

Nicholas A. Iarocci, Ashtabula County Prosecutor, *Shelley M. Pratt*, Assistant Prosecutor, 25 West Jefferson Street, Jefferson, OH 44047-1092 (For Plaintiff-Appellee).

Richard Thomas Corpening, pro se, PID: A452-496, Marion Correctional Institution, P.O. Box 57, 940 Marion-Williamsport Road, Marion, OH 43301 (Defendant-Appellant).

TIMOTHY P. CANNON, J.

{¶1} On May 10, 2018, appellant, Richard Thomas Corpening, pro se, filed a notice of appeal and motion for leave to file a delayed appeal pursuant to App.R. 5(A). He appeals from the trial court's judgment of March 5, 2018 denying his motion to withdraw his guilty plea.

{¶2} Appellee, the state of Ohio, filed a response in opposition to appellant's pro se motion on May 18, 2018.

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

{¶4} “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} “(b) Delinquency proceedings; and

{¶7} “(c) Serious youthful offender proceedings.

{¶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. ***.*” (Emphasis added.)

{¶9} Appellant’s motion does not set forth reasons for his delay in filing the appeal. Because the motion fails to meet a primary requirement in App.R. 5(A), it is procedurally defective and therefore overruled.

{¶10} Appeal dismissed.

CYNTHIA WESTCOTT RICE, J., concurs,

COLLEEN MARY O’TOOLE, J., dissents.