

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

STATE OF OHIO,	:	MEMORANDUM OPINION
Plaintiff-Appellee,	:	
- vs -	:	CASE NO. 2019-P-0038
JOSEPH J. COLLICA,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Court of Common Pleas, Case No. 2018 CR 00433.

Judgment: Appeal dismissed.

Victor V. Viglucci, Portage County Prosecutor, 241 South Chestnut Street, Ravenna, OH 44266 (For Plaintiff-Appellee).

Joseph J. Collica, pro se, PID# 753-774, Noble Correctional Institution, 15708 McConnelsville Road, Caldwell, OH 43724 (Defendant-Appellant).

THOMAS R. WRIGHT, P.J.

{¶1} On March 22, 2019, appellant, Joseph J. Collica, pro se, filed a letter with this court, construed as a motion for leave to file a delayed appeal pursuant to App.R. 5(A). No notice of appeal was filed, and no appealed judgment entry has been provided.

{¶2} App.R. 5(A) provides:

{¶3} “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:

{¶4} “(a) Criminal proceedings;

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

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

{¶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. * * *.” (Emphasis added.)

{¶8} Appellant’s motion is defective for the following reasons: 1) no notice of appeal was filed in the trial court concurrently with the filing of his motion for leave to appeal in this court; 2) appellant’s motion does not set forth any reasons for filing an untimely appeal; and 3) no judgment entry being appealed has been provided pursuant to Loc.R. 3(D)(2).

{¶9} Accordingly, because appellant’s motion is procedurally defective, it is hereby overruled. Appeal dismissed.

{¶10} Appellant is not barred from filing a notice of appeal and a motion for leave to file a delayed appeal that sets forth reasons for filing an untimely appeal.

TIMOTHY P. CANNON, J.,

MARY JANE TRAPP, J.,

concur.