

COURT OF APPEALS
LICKING COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO	:	JUDGES:
	:	Hon. John F. Boggins, P.J.
Plaintiff-Appellee	:	Hon. William B. Hoffman, J.
	:	Hon. Sheila G. Farmer, J.
-vs-	:	
	:	Case No. 2005CA00004
DANIELLE RUBADUE	:	
	:	
Defendant-Appellant	:	<u>OPINION</u>

CHARACTER OF PROCEEDING: Criminal Appeal from Licking County
Common Pleas Court, Case No. 04-CR-174

JUDGMENT: DISMISSED

DATE OF JUDGMENT ENTRY: JULY 18, 2005

APPEARANCES:

For Plaintiff-Appellee
BRIAN T. WALTZ
20 South Second St., 4th Fl.
Newark, OH 43055

For Defendant-Appellant
THOMAS S. GORDON
1820 Northwest Boulevard
Columbus, OH 43212

Boggins, J.

{¶1} This is an appeal from the Common Pleas Court of Licking County after a no-contest plea was entered by Appellant as to a charge of forgery (R.C. 2913.31(A)(3)).

STATEMENT OF THE FACTS AND CASE

{¶2} The sentence imposed after such plea and finding of guilt was three years community control with conditions. A violation resulted, stipulated to by Appellant and re-sentence resulted in five years community control and six months incarceration.

{¶3} The following Assignment of Error is submitted:

ASSIGNMENT OF ERROR

{¶4} "I. THE TRIAL COURT ERRED BY ACCEPTING APPELLANT'S NO CONTEST PLEA, AS IT WAS NOT VOLUNTARILY MADE."

I.

{¶5} The Assignment of Error is attempting to collaterally attack the judgment of the court in accepting the no contest plea by an appeal from the sentence of the court following a probation violation.

{¶6} The no contest plea was entered on August 5, 2004.

{¶7} This appeal incorrectly attempts to relate the plea to the January 19, 2005 sentence.

{¶8} Pursuant to Appellate Rule 4(A), this Court lacks jurisdiction to review this appeal as it was filed beyond the applicable time.

{¶9} This cause is dismissed at Appellant's costs.

By: Boggins, P.J.

Hoffman, J. and

Farmer, J. concur.

JUDGES

IN THE COURT OF APPEALS FOR LICKING COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	
	:	
-vs-	:	JUDGMENT ENTRY
	:	
DANIELLE RUBADUE	:	
	:	
Defendant-Appellant	:	CASE NO. 2005CA00004

For the reasons stated in our accompanying Memorandum-Opinion on file, the judgment of the Court of Common Pleas of Licking, Ohio, is dismissed. Costs assessed to Appellant.

JUDGES