[Cite as *State v. Bell,* 2010-Ohio-4693.]

IN THE COURT OF APPEALS

ELEVENTH APPELLATE DISTRICT

TRUMBULL COUNTY, OHIO

STATE OF OHIO,	:	**MEMORANDUM OPINION**
Plaintiff-Appellee,	:	
- vs -	:	**CASE NO. 2010-T-0089**
ARTHUR BELL,	:	
Defendant-Appellant.	:	

Criminal Appeal from the Court of Common Pleas, Case No. 2000 CR 279.

Judgment: Appeal dismissed.

Dennis Watkins, Trumbull County Prosecutor, Administration Building, Fourth Floor, 160 High Street, N.W., Warren, OH 44481-1092 (For Plaintiff-Appellee).

Arthur Bell, pro se, PID: 561-428, Marion Correctional Institution, P.O. Box 57, Marion, OH 44301 (Defendant-Appellant).

MARY JANE TRAPP, P.J.

{¶1} On July 15, 2010, appellant, Arthur Bell, pro se, filed a notice of appeal and motion for leave to file a delayed appeal, pursuant to App.R. 5(A), from his judgment of conviction and sentence issued by the trial court on January 12, 2010.

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

{¶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} No brief or response in opposition to the motion has been filed.

{¶9} By way of background, we note that appellant initially filed an appeal of his conviction and sentence in 11th Dist. No. 2010-T-0037 that was dismissed by this court as being untimely, by approximately one month, on April 26, 2010. In lieu of filing a motion for delayed appeal, appellant then filed a motion for reconsideration requesting that we reconsider the dismissal of the appeal and reinstate the appeal. On June 18, 2010, that motion was overruled as being untimely and as not being a substitute for a proper motion for delayed appeal.

{¶10} Now, appellant has instituted the present appeal by filing a motion for leave to file a delayed appeal, but he has failed to comply with the rules of court. In particular, appellant's motion does not advance any reasons for a delay in perfecting his appeal. One of the primary requirements under App.R. 5(A) is that reasons for the failure to file a timely appeal be provided in appellant's motion for delayed appeal. Despite appellant's obvious attempts to perfect an appeal of his conviction and

sentence, we are without discretion to allow a delayed appeal when the motion does not comply with App.R. 5(A).

{¶11} Therefore, since appellant's motion is procedurally defective, he has failed to invoke this court's jurisdiction. Accordingly, it is ordered that appellant's motion for leave to file a delayed appeal is hereby overruled.

{¶12} Appeal dismissed.

DIANE V. GRENDELL, J.,

TIMOTHY P. CANNON, J.,

concur.