

OHIO COURT OF APPEALS, ELEVENTH APPELLATE DISTRICT, PORTAGE COUNTY

State of Ohio v. Deolia A. Day a.k.a. Deolia A. Perry

2026 Ohio 316 (Ohio Ct. App. 11th Dist. 2026) · No. 2025-P-0063 · Decided February 2, 2026

SUMMARY

The Ohio Eleventh District Court of Appeals dismissed Deolia A. Day’s criminal appeal as untimely. The court overruled her motion for leave to file a delayed appeal, concluding that she did not provide a valid reason for waiting more than a year after sentencing to appeal.

CASE DETAILS

COURT	Ohio Court of Appeals, Eleventh Appellate District, Portage County
WRITING FOR THE COURT	Matt Lynch, P.J.; John J. Eklund, J.; Eugene A. Lucci, J.
JURISDICTION	Ohio Court of Appeals, Eleventh Appellate District, Portage County
DECIDED	February 2, 2026
DOCKET	2025-P-0063
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant appealed from a criminal conviction and sentence and moved for leave to file a delayed appeal under Ohio Appellate Rule 5(A).
STANDARD OF REVIEW	The court reviewed whether the defendant demonstrated a valid reason under Ohio Appellate Rule 5(A) for failing to file a timely notice of appeal.
PRECEDENTIAL VALUE	published
PARTIES	Deolia A. Day a.k.a. Deolia A. Perry v. State of Ohio

TOPICS

- appellate procedure
- criminal procedure
- final judgment rule

PRACTICE AREAS

- criminal appellate procedure
- delayed appeals

QUESTIONS PRESENTED

1. Whether Day established a valid reason under Ohio Appellate Rule 5(A) for failing to file a notice of appeal within thirty days of the March 13, 2024 judgment.
2. Whether the appeal should be dismissed as untimely when the defendant's written guilty plea acknowledged her appellate rights and the delay exceeded one year.

HOLDINGS

1. A notice of appeal from the final criminal judgment was required to be filed within thirty days of the March 13, 2024 entry.
2. Day failed to establish a valid reason for the more-than-one-year delay, and the court therefore overruled her motion for leave to file a delayed appeal.

KEY QUOTATIONS

“ “[A] party who wishes to appeal from an order that is final upon its entry shall file the notice of appeal required by App.R. 3 within 30 days of that entry.” ” (¶ 3)

“ Accordingly, appellant’s motion for leave to file a delayed appeal is overruled, and the appeal is hereby dismissed.” (¶ 11)

FACTUAL BACKGROUND

Day pleaded guilty on February 5, 2024, and was sentenced in an entry issued on March 13, 2024. She did not file a notice of appeal within the thirty-day period and instead sought a delayed appeal approximately one year and five months later, asserting inadequate counsel, lack of understanding of her plea negotiations and appellate rights, and lack of opportunity and guidance.

PROCEDURAL HISTORY

Day filed a notice of appeal and motion for leave to file a delayed appeal on September 10, 2025. Although she identified a September 1, 2025 judgment, the trial-court docket showed that the relevant conviction and sentence entry was issued on March 13, 2024. The Court of Appeals concluded that the appeal was approximately one year and five months late, that Day had not shown a valid reason for the delay, overruled the motion, and dismissed the appeal.

DISPOSITION

dismissed

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