

**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.

OPINION

PER CURIAM.

[Cite as State v. Day, 2026-Ohio-316.] IN THE COURT OF APPEALS OF OHIO ELEVENTH APPELLATE DISTRICT PORTAGE COUNTY STATE OF OHIO, CASE NO. 2025-P-0063 Plaintiff-Appellee, Criminal Appeal from the - vs - Court of Common Pleas DEOLIA A. DAY a.k.a. DEOLIA A. PERRY, Trial Court No. 2023 CR 01188 C Defendant-Appellant. MEMORANDUM OPINION AND JUDGMENT ENTRY Decided: February 2, 2026 Judgment: Appeal dismissed Connie J. Lewandowski, Portage County Prosecutor, 241 South Chestnut Street, Ravenna, OH 44266 (For Plaintiff-Appellee).

Deolia A. Day, pro se, PID# W112-879, Ohio Reformatory for Women, 1479 Collins Avenue, Marysville, OH 43040 (Defendant-Appellant). MATT LYNCH, P.J. {¶1} On September 10, 2025, appellant, Deolia A. Day, filed a pro se notice of appeal and motion for leave to file a delayed appeal pursuant to App.R. 5(A). No response in opposition was filed. {¶2} On her notice of appeal, appellant indicates that she seeks to appeal from the trial court’s September 1, 2025 judgment of conviction and sentence.

However, upon a review of the trial court’s docket, it appears that the entry was issued on March 13, 2024. A timely notice of appeal from the March 13, 2024 entry was due no later than April 12, 2024, which was not a holiday or weekend.

The appeal is untimely by approximately 1 year and 5 months. {¶3} “[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.” App.R. 4(A)(1). {¶4} App.R. 5(A)(1) states: {¶5} “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: {¶6} “(a) Criminal proceedings...” {¶7} App.R.

