

COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT

State v. Vega

2026-Ohio-711 · No. 2025-L-136 · Decided March 2, 2026

SUMMARY

The Ohio Eleventh District Court of Appeals dismissed Michael A. Vega's criminal appeal as untimely. The court held that the notice of appeal was filed three days after the Appellate Rule 4(A)(1) deadline and that Vega had neither timely appealed nor sought leave to file an untimely appeal under Appellate Rule 5(A).

CASE DETAILS

COURT	Court of Appeals of Ohio, Eleventh Appellate District
WRITING FOR THE COURT	John J. Eklund; Eugene A. Lucci; Scott Lynch
JURISDICTION	Ohio Court of Appeals, Eleventh Appellate District, Lake County
DECIDED	March 2, 2026
DOCKET	2025-L-136
DISPOSITION	dismissed
PROCEDURAL POSTURE	Vega appealed pro se from the Lake County Court of Common Pleas judgment entry of sentence. The Eleventh District dismissed the appeal sua sponte as untimely.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals memorandum opinion
PARTIES	Michael A. Vega v. State of Ohio

TOPICS

- appellate jurisdiction
- appellate procedure
- criminal procedure
- final judgment rule

PRACTICE AREAS

- appellate procedure
- criminal procedure

QUESTIONS PRESENTED

- Whether the court of appeals had jurisdiction over a criminal appeal filed three days after the thirty-day deadline in App.R. 4(A)(1) when the defendant had not sought leave to file a delayed appeal under App.R. 5(A).

HOLDINGS

- 1. A criminal appeal filed after the thirty-day deadline in App.R. 4(A)(1), without a motion for leave to appeal under App.R. 5(A), is untimely and does not confer jurisdiction on the court of appeals.

KEY QUOTATIONS

- “Thus, this court is without jurisdiction to consider the appeal. Appellant has a remedy of filing an untimely criminal appeal under App.R. 5(A).” (¶ 8)
- “Accordingly, this appeal is hereby dismissed, sua sponte, as untimely.” (¶ 9)

FACTUAL BACKGROUND

The trial court entered a judgment of sentence against Michael A. Vega on October 15, 2025. Vega filed a pro se notice of appeal on November 17, 2025. Because the notice was due by November 14, 2025, the appeal was untimely by three days, and Vega had not sought leave to appeal under App.R. 5(A).

PROCEDURAL HISTORY

The Lake County Court of Common Pleas entered a judgment of sentence on October 15, 2025. Vega filed his notice of appeal on November 17, 2025, three days after the November 14 deadline. He did not seek leave to file a delayed criminal appeal under Ohio Appellate Rule 5(A), so the court dismissed the appeal for lack of jurisdiction.

DISPOSITION

dismissed

OPINION

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PER CURIAM.
[Cite as State v. Vega, 2026-Ohio-711.]
IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
LAKE COUNTY
STATE OF OHIO, CASE NO. 2025-L-136
Plaintiff-Appellee, Criminal Appeal from the - vs - Court of Common Pleas
MICHAEL A. VEGA,
Trial Court No. 2024 CR 000850 Defendant-Appellant.
MEMORANDUM OPINION AND JUDGMENT ENTRY
Decided: March 2, 2026 Judgment: Appeal dismissed Charles E. Coulson, Lake County
Prosecutor, Lake County Administration Building, 105 Main Street, P.O. Box 490, Painesville, OH

44077 (For Plaintiff-Appellee). Michael A. Vega, pro se, 1475 Chapel Road, Jefferson, OH 44047 (Defendant- Appellant). JOHN J. EKLUND, J. {¶1} On November 17, 2025, appellant, Michael A. Vega, filed a pro se notice of appeal from the Lake County Court of Common Pleas' October 15, 2025 judgment entry of sentence. {¶2} "[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). {¶3} App.R. 5(A)(1) states: {¶4} "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: {¶5} "(a) Criminal proceedings . . ." {¶6} App.R. 5(A)(2) further provides that "[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." {¶7} A timely notice of appeal from the October 15, 2025 entry was due no later than November 14, 2025, which was not a holiday or weekend. The appeal is untimely by three days. {¶8} Appellant has neither complied with the thirty-day rule set forth in App.R. 4(A)(1) nor sought leave to appeal under App.R. 5(A). Thus, this court is without jurisdiction to consider the appeal. Appellant has a remedy of filing an untimely criminal appeal under App.R. 5(A). {¶9} Accordingly, this appeal is hereby dismissed, sua sponte, as untimely.

EUGENE A. LUCCI, J.,

SCOTT LYNCH, J.,

concur.

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JUDGMENT ENTRY

For the reasons stated in the memorandum opinion of this court, it is ordered that this appeal is hereby dismissed, sua sponte, as untimely. Any pending motions are hereby overruled as moot. Costs shall be taxed against appellant.

JUDGE JOHN J. EKLUND

JUDGE EUGENE A. LUCCI,

concurs

JUDGE SCOTT LYNCH,

concurs

THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY

A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.

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