

COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT,
ASHTABULA COUNTY

State of Ohio v. Lynette Marie McCowien

State v. McCowien, 2026-Ohio-1695 · No. 2026-A-0022, 2026-A-0023, 2026-A-0024, 2026-A-0025 · Decided
May 11, 2026

SUMMARY

The Ohio Eleventh District Court of Appeals dismissed four criminal appeals sua sponte as untimely. The notices of appeal were filed one day after the thirty-day deadline, and the appellant had not sought leave to file a delayed appeal under Ohio Appellate Rule 5(A).

CASE DETAILS

COURT	Court of Appeals of Ohio, Eleventh Appellate District, Ashtabula County
WRITING FOR THE COURT	John J. Eklund; Eugene A. Lucci; Robert J. Patton
JURISDICTION	Ohio Court of Appeals, Eleventh Appellate District, Ashtabula County
DECIDED	May 11, 2026
DOCKET	2026-A-0022, 2026-A-0023, 2026-A-0024, 2026-A-0025
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant filed notices of appeal from a March 23, 2026 judgment entry in four criminal matters. The Eleventh District dismissed the appeals sua sponte as untimely because the notices were filed one day after the thirty-day deadline and appellant had not sought leave to appeal.
STANDARD OF REVIEW	The court applied the Ohio Rules of Appellate Procedure to determine its jurisdiction over untimely notices of appeal.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Lynnette Marie McCowien v. State of Ohio

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

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

HOLDINGS

1. A criminal appeal filed after the thirty-day period in App.R. 4(A)(1) is not properly before the court of appeals unless the defendant seeks and obtains leave to appeal under App.R. 5(A). Because McCowien filed the notices one day late and did not seek leave, the court lacked jurisdiction to consider the appeals.

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.” (¶ 2)

“Thus, this court is without jurisdiction to consider the appeals. Appellant has a remedy of filing untimely criminal appeals under App.R. 5(A).” (¶ 8)

FACTUAL BACKGROUND

The trial court entered judgment on March 23, 2026. Appellant, Lynette Marie McCowien, filed notices of appeal on April 23, 2026. Because April 22, 2026 was neither a holiday nor a weekend, the appeals were filed one day beyond the thirty-day deadline, and appellant had not filed a motion for leave to appeal.

PROCEDURAL HISTORY

The Ashtabula County Court, Eastern Division, entered judgment on March 23, 2026. McCowien filed notices of appeal on April 23, 2026, one day after the April 22 deadline. The appellate court dismissed all four appeals for lack of jurisdiction, noting that appellant could seek leave to file untimely criminal appeals under App.R. 5(A).

DISPOSITION

dismissed

OPINION

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PER CURIAM.

[Cite as State v. McCowien, 2026-Ohio-1695.]

IN THE COURT OF APPEALS OF OHIO

ELEVENTH APPELLATE DISTRICT

ASHTABULA COUNTY

STATE OF OHIO, CASE NOS. 2026-A-0022

2026-A-0023 Plaintiff-Appellee, 2026-A-0024 2026-A-0025 - vs - LYNNETTE MARIE MCCOWIEN, Criminal Appeals from the County Court, Eastern Division Defendant-Appellant. Trial Court Nos. 2025 CRB 00062 E

2022 CRB 00209 E

2023 TRC 00569 E

2024 CRB 00206 E

MEMORANDUM OPINION AND JUDGMENT ENTRY

Decided: May 11, 2026 Judgment: Appeals dismissed April R. Grabman, Ashtabula County Prosecutor, 25 West Jefferson Street, Jefferson, OH 44047 (For Plaintiff-Appellee). Margaret Brunarski, Ashtabula County Public Defender, and Edith M. Jonas, Assistant Public Defender, 22 East Jefferson Street, Jefferson, OH 44047 (For Defendant- Appellant). JOHN J. EKLUND, J. {¶1} On April 23, 2026, appellant, Lynette Marie McCowien, through counsel, filed notices of appeal from the Ashtabula County Court, Eastern Division's, March 23, 2026 judgment entry. {¶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} Timely notices of appeal from the March 23, 2026 entry were due no later than April 22, 2026, which was not a holiday or weekend. The appeals are untimely by one day. {¶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 appeals. Appellant has a remedy of filing untimely criminal appeals under App.R. 5(A). {¶9} Accordingly, these appeals are hereby dismissed, sua sponte, as untimely.

EUGENE A. LUCCI, J.,

ROBERT J. PATTON, J.,

concur.

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JUDGMENT ENTRY

For the reasons stated in the memorandum opinion of this court, it is ordered that these appeals are hereby dismissed, sua sponte, as untimely. All pending motions are hereby overruled as moot. Costs shall be taxed against appellant. The clerk is instructed to serve counsel of record and appellant, Lynette Marie McCowien, Ashtabula County Jail, 25 West Jefferson Street, Jefferson, OH 44047, with a time-stamped copy of this opinion and judgment entry.

JUDGE JOHN J. EKLUND

JUDGE EUGENE A. LUCCI,

concur

JUDGE ROBERT J. PATTON,

concur

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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