

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