

**COURT OF APPEALS OF OHIO, ELEVENTH APPELLATE DISTRICT, LAKE
COUNTY**

State v. Hopper

2026-Ohio-315 · No. 2025-L-094 · Decided February 2, 2026

OPINION

PER CURIAM.

[Cite as State v. Hopper, 2026-Ohio-315.] IN THE COURT OF APPEALS OF OHIO ELEVENTH APPELLATE DISTRICT LAKE COUNTY STATE OF OHIO, CASE NO. 2025-L-094 Plaintiff-Appellee, Criminal Appeal from the - vs - Court of Common Pleas CORTEZ O. HOPPER, Trial Court No. 2024 CR 000015 Defendant, (CITY BONDING, et al., Appellants). MEMORANDUM OPINION AND JUDGMENT ENTRY Decided: February 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). Timothy J. Kucharski, Richarson & Kucharski Co., L.P.A., 1200 West Third Street, Suite 190, Cleveland, OH 44113 (For Appellants). ROBERT J. PATTON, J. {¶1} On July 31, 2025, appellants, City Bonding and Universal Fire and Casualty Insurance Company, through counsel, filed a notice of appeal and a motion for delayed appeal. {¶2} Appellants seek to appeal from the trial court’s June 13, 2025 entry denying their motion to vacate the judgment of bond forfeiture.

A timely notice of appeal from the June 13, 2025 entry was due no later than July 14, 2025, which was not a holiday or weekend. The appeal is untimely by 17 days. {¶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} The Supreme Court has held that the failure to comply with the time requirements of App.R.

4(A) is a jurisdictional defect, which is fatal to an appeal. In re H.F., 2008-Ohio-6810, ¶ 17, citing State ex rel. Pendell v. Adams Cty. Bd. of Elections, 40 Ohio St.3d 58, 60 (1988). {¶5} App.R. 5(A) provides that, in specific types of cases, a defendant may request leave to file an appeal beyond the thirty-day period prescribed by App.R. 4(A).

The rule does not extend the right to non-defendants or other parties to the matter. {¶6} Because the appeal is untimely and only a defendant may file a motion for delayed appeal after the expiration of the thirty-day period, appellants’ motion for leave to file a delayed appeal is overruled, and the appeal is hereby dismissed. MATT LYNCH, P.J., SCOTT LYNCH, J., concur.

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