

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-150019
	:	TRIAL NO. B-1402883
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
DANNY FLEMING,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); Loc.R. 11.1.1.

Following a guilty plea, defendant-appellant Danny Fleming was found guilty of one count of possession of cocaine in violation of R.C. 2925.11(A). The trial court sentenced him to nine months' imprisonment. Fleming presents two assignments of error for review. But we cannot reach the merits of these assignments of error, because we lack jurisdiction to hear this appeal.

App.R. 4 requires a party to file a notice of appeal within 30 days of the entry of the judgment or ordered appealed. The failure to file a timely notice of appeal deprives the appellate court of jurisdiction to entertain the appeal. *State ex rel. Pendell v. Adams Cty. Bd. of Elections*, 40 Ohio St.3d 58, 60, 531 N.E.2d 713 (1988); *In re Harris*, 1st Dist. Hamilton No. C-020512, 2003-Ohio-672, ¶ 9; *State v. Larkin*, 1st Dist. Hamilton No. C-970255, 1998 Ohio App. LEXIS 4416, *2 (Sept. 25, 1998).

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The notice of appeal in this case was filed on January 12, 2105. It states in the body that Fleming was appealing the trial court's judgment entered on December 23, 2014. But the only order entered on that date was the entry appointing appellate counsel, which is not a final, appealable order under R.C. 2505.02. The final order with a guilty finding and a sentence was journalized on December 8, 2014. *See State v. Lester*, 130 Ohio St.3d 303, 2011-Ohio-5204, 958 N.E.2d 142, paragraph one of the syllabus; *State v. Bennett*, 1st Dist. Hamilton Nos. C-140507 and C-140508, 2015-Ohio-3246, ¶ 4.

The notice of appeal was not timely, because it was not filed within 30 days of the final judgment entered on December 8, 2014. Therefore, this court is without jurisdiction to hear the appeal, and we have to choice but to dismiss it. The appeal is hereby dismissed.

A certified copy of this judgment entry constitutes the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HENDON, P.J., FISCHER and MOCK, JJ.

To the clerk:

Enter upon the journal of the court on October 2, 2015
per order of the court _____.
Presiding Judge