

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

STATE OF OHIO,	:	APPEAL NO. C-150512
Plaintiff-Appellee,	:	TRIAL NO. B-1302306B
vs.	:	<i>JUDGMENT ENTRY.</i>
JOHN M. BROWN, III,	:	
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); 1st Dist. Loc.R. 11.1.1.

In December 2013, defendant-appellant John M. Brown, III, was convicted of three counts of burglary. The trial court sentenced Brown to three years in prison and credited him with 85 days for his preconviction confinement.

In April 2015, Brown filed a motion seeking an additional 127 days of jail-time credit. On June 3, 2015, the trial court granted the motion, but credited Brown with only one additional day. Brown did not appeal that judgment.

In August 2015, Brown filed a “motion to reconsider [the June 3, 2015] entry granting jail time credit.” On August 4, 2015, the trial court denied the motion. Brown now appeals.

Brown presents three assignments of error for our review. But we cannot reach the merits of the issues he raises because we lack jurisdiction to hear this appeal.

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A motion for reconsideration of a final judgment is a nullity that does not suspend the time for filing a notice of appeal. *State ex rel. Pendell v. Adams Cty. Bd. of Elections*, 40 Ohio St.3d 58, 60, 531 N.E.2d 713 (1988); *State v. Weaver*, 1st Dist. Hamilton No. C-050293, 2006-Ohio-5072, ¶ 9; *State v. Harbert*, 9th Dist. Summit No. 20955, 2002-Ohio-6114, ¶ 12. Because the trial court's June 3, 2015 judgment granting Brown's original motion for jail-time credit was a final judgment, Brown's motion for reconsideration of that judgment, as well as the trial court's ruling on that motion, were nullities. *Pendell* at 60; *Harbert* at ¶ 25.

App.R. 4 requires a party to file a notice of appeal within 30 days of the entry of the judgment appealed. The failure to file a timely notice of appeal deprives the appellate court of jurisdiction to entertain the appeal. *Pendell* at 60; *State v. Larkin*, 1st Dist. Hamilton No. C-970255, 1998 Ohio App. LEXIS 4416, *2 (Sept. 25, 1998). Because Brown failed to file a notice of appeal within 30 days of the trial court's June 3, 2015 final judgment, we must dismiss this appeal for lack of jurisdiction. *See State v. Anderson*, 10th Dist. Franklin No. 14AP-169, 2014-Ohio-5523.

The appeal is dismissed.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27.

HENDON, P.J., CUNNINGHAM and DEWINE, JJ.

To the clerk:

Enter upon the journal of the court on February 24, 2016
per order of the court _____.
Presiding Judge