

[Cite as *State v. Smith*, 2017-Ohio-9240.]

STATE OF OHIO, MAHONING COUNTY
IN THE COURT OF APPEALS
SEVENTH DISTRICT

STATE OF OHIO)	
)	
PLAINTIFF-APPELLEE)	CASE NO. 17 MA 0041
)	
vs.)	OPINION
)	AND
SAMMIE SMITH)	JUDGMENT ENTRY
)	
DEFENDANT-APPELLANT)	

CHARACTER OF PROCEEDINGS: Motion for Reconsideration

JUDGMENT: Denied

APPEARANCES:
For Plaintiff-Appellee

Attorney Paul Gains
Mahoning County Prosecutor
Attorney Ralph Rivera
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For Defendant-Appellant

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JUDGES:

Hon. Mary DeGenaro
Hon. Gene Donofrio
Hon. Cheryl L. Waite

Dated: December 11, 2017

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PER CURIAM.

{¶1} Defendant-Appellant, Sammie Smith, pro-se, filed an application for reconsideration of *State v. Smith*, 7th Dist. No. 17 MA 0041, 2017–Ohio–7770.

{¶2} "The test generally applied upon the filing of a motion for reconsideration in the court of appeals is whether the motion calls to the attention of the court an obvious error in its decision, or raises an issue for consideration that was either not considered at all or was not fully considered by the court when it should have been." *Columbus v. Hodge*, 37 Ohio App.3d 68, 523 N.E.2d 515 (1987), paragraph one of the syllabus.

{¶3} Pursuant to App.R. 26(A)(1), "[a]pplication for reconsideration of any cause or motion submitted on appeal shall be made in writing no later than ten days after the clerk has both mailed to the parties the judgment or order in question and made a note on the docket of the mailing as required by App. R. 30(A)." The clerk mailed the judgment to all parties on September 22, 2017. Exactly ten days later on October 2, 2017, Smith filed his motion for reconsideration.

{¶4} The purpose of reconsideration is not to reargue one's appeal based on dissatisfaction with the logic used and conclusions reached by an appellate court. *Victory White Metal Co. v. N.P. Motel Syst. Inc.*, 7th Dist. No. 04 MA 0245, 2005–Ohio–3828, ¶ 2. "An application for reconsideration may not be filed simply on the basis that a party disagrees with the prior appellate court decision." *Hampton v. Ahmed*, 7th Dist. No. 02 BE 0066, 2005–Ohio–1766, ¶ 16 (internal citation omitted).

{¶5} In support of reconsideration, Smith alleges the same argument he made in the underlying appeal, namely, that his trial counsel was ineffective and he should have been granted an evidentiary hearing on his pro-se post-conviction petition. Smith does not call to the attention of this Court an obvious error, but merely a disagreement with the decision reached by the Court.

{¶6} Smith's arguments were fully considered by this Court prior to ruling on the matter. The motion for reconsideration does not call to the attention of this Court

an obvious error. Accordingly, his motion for reconsideration is denied. Costs are waived.

DeGenaro, J., concurs.

Donofrio, J., concurs.

Waite, J., concurs