

OPINIONS OF THE SUPREME COURT OF OHIO

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The State of Ohio, Appellee, v. Runyons, Appellant.

[Cite as State v. Runyons (1994), Ohio St.3d .]  
Appellate procedure -- Application for reopening appeal from judgment of conviction based on claim of ineffective assistance of appellate counsel -- Application denied when not filed within ninety days of journalization of appellate judgment as required by App.R. 26(B)(1).  
(No. 94-1000 -- Submitted August 17, 1994 -- Decided November 9, 1994.)

Appeal from the Court of Appeals for Union County, No. 14-91-30.

Appellant, Bobby Runyons, alleges he was convicted of one count of rape and one count of gross sexual imposition. He appealed, and the Court of Appeals for Union County affirmed the conviction by judgment entry of June 9, 1992. In 1994, he applied to the Union County Court of Appeals to reopen the appeal from the judgment of conviction and sentence, alleging ineffective assistance of appellate counsel. The court of appeals denied the application on the basis that it was not filed within ninety days of the journalization of the appellate judgment as required by App. R. 26(B)(1). The court further found that appellant failed to show good cause for the delay in filing his application as required by App. R. 26(B)(2)(b). Appellant appeals the denial to this court.

Bobby Runyons, pro se.

Per Curiam. The decision of the court of appeals is affirmed for the reasons stated by the court of appeals.

Judgment affirmed.

Moyer, C.J., A.W. Sweeney, Douglas, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.