

THE STATE OF OHIO, APPELLEE, v. KING, APPELLANT.

[Cite as *State v. King*, 1994-Ohio-54.]

Appellate procedure—Application for reopening appeal from judgment and conviction based on claim of ineffective assistance of appellate counsel—Application denied when not filed within ninety days of journalization of appellate judgment—App.R. 26(B).

(No. 94-1396—Submitted October 11, 1994—Decided December 7, 1994.)

APPEAL from the Court of Appeals for Knox County, No. 88-CA-45.

{¶ 1} Appellant, Dale E. King, alleges he was convicted of rape and burglary. He appealed, and the court of appeals affirmed the conviction by judgment entry of August 14, 1989. He applied to the court of appeals to reopen the appeal from the judgment of conviction, alleging ineffective assistance of counsel pursuant to App. R. 26(B). The court of appeals denied the application on the basis that appellant failed to show good cause for failing to file the application within ninety days after the court of appeals' decision had been journalized, as required by App. R. 26(B)(2)(b). Appellant appeals the denial to this court.

John W. Baker, Knox County Prosecuting Attorney, and *Robert J. McClaren*, Assistant Prosecuting Attorney, for appellee.

Dale E. King, *pro se*.

Per Curiam.

{¶ 2} The decision of the court of appeals is affirmed for the cited reason stated therein.

Judgment affirmed.

SUPREME COURT OF OHIO

MOYER, C.J., A.W. SWEENEY, DOUGLAS, WRIGHT, RESNICK, F.E. SWEENEY
and PFEIFER, JJ., concur.
