

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

[Cite as *State v. Fair*, 1994-Ohio-56.]

Appellate procedure—Application for reopening appeal from judgment and conviction based on claim of ineffective assistance of appellate counsel—Application denied when applicant fails to establish good cause for filing the application more than ninety days after the effective date of App.R. 26(B) and when no colorable issue of ineffective assistance of counsel is found.

(No. 94-1680—Submitted November 1, 1994—Decided December 30, 1994.)

APPEAL from the Court of Appeals for Franklin County, No. 90AP-363.

{¶ 1} Appellant, Eddie J. Fair, was convicted of aggravated murder, aggravated robbery, kidnapping, and rape, and sentenced to thirty years to life. He appealed, and the court of appeals affirmed the convictions. *State v. Fair* (July 6, 1991), Franklin App. No. 90AP-363, unreported. He asserts that on February 8, 1994 he filed a motion for delayed reconsideration (reopening) in the court of appeals based on "*State v. Murnahan* (1992), 63 Ohio St. 3d 60 [584 N.E. 2d 1204], and *** by App.R. 26(B), as amended effective July 1, 1993," alleging ineffective assistance of appellate counsel in the presentation of issues concerning testimony of appellant's alleged common-law wife and a "jailhouse lawyer." The court of appeals held that appellant failed to establish good cause for filing the application more than ninety days after the effective date of App.R. 26 (B), and otherwise found no colorable issue of ineffective assistance of counsel, and denied the application. Appellant appeals from that decision.

SUPREME COURT OF OHIO

Michael Miller, Franklin County Prosecuting Attorney, and *Joyce S. Anderson*, Assistant Prosecuting Attorney, for appellee.

Eddie J. Fair, pro se.

Per Curiam.

{¶ 2} The decision of the court of appeals is affirmed for the reasons stated in its opinion.

Judgment accordingly.

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