

OPINIONS OF THE SUPREME COURT OF OHIO

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

[Cite as State v. Chubb (1995), Ohio St.3d .]  
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 failing to file his application within ninety days after journalization of the appellate judgment as required by App.R. 26(B)(2)(b).

(No. 95-227 -- Submitted April 24, 1995 -- Decided August 16, 1995.)

Appeal from the Court of Appeals for Franklin County, No. 93AP-172.

Appellant, Creedon D. Chubb, was convicted of rape, abduction and burglary. Appellant was sentenced to from ten to twenty-five years' imprisonment for rape, from four to ten years' imprisonment for abduction and to one-and-a-half years imprisonment for burglary. The court of appeals affirmed the convictions and sentences. State v. Chubb (Oct. 19, 1993), Franklin App. No. 93AP-172, unreported. Appellant then appealed to this court. We denied leave to appeal and dismissed appellant's claimed appeal of right for lack of a substantial constitutional question. State v. Chubb (1994), 69 Ohio St.3d 1427, 631 N.E.2d 638. It is undisputed that on September 12, 1994, Chubb filed with the court of appeals an application to reopen his appeal under App. R. 26(B), alleging ineffective assistance of his appellate counsel. The court of appeals denied the application, finding no good cause for appellant's filing of the application over seven months after the ninety-day deadline required by App. R.26(B)(2)(b). Additionally, the court of appeals found that the speedy-trial claim underlying appellant's ineffective-counsel claims lacked merit. Appellant appeals the denial to this court.

Michael Miller, Franklin County Prosecuting Attorney, and Stephen L. Taylor, Assistant Prosecuting Attorney, for appellee.  
Creedon D. Chubb, pro se.

Per Curiam. We affirm the judgment of the court of appeals for the reasons stated in its opinion.

Judgment affirmed.

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