

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

[Cite as *State v. Forney*, 1995-Ohio-141.]

Appellate procedure—Application for reopening appeal from judgment and conviction based on claim of ineffective assistance of appellate counsel—Application denied when issues raised by applicant had previously been litigated and were therefore res judicata.

(No. 95-250—Submitted April 18, 1995—Decided July 26, 1995.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 63310.

{¶ 1} According to the court of appeals' journal entry, appellant, La Don M. Forney, was convicted of murder, and the court of appeals affirmed his conviction. *State v. Forney* (Oct. 28, 1993), Cuyahoga App. No. 63310, unreported, 1993 WL 437647. In December 1994, appellant filed an application to reopen the appellate judgment pursuant to App. R. 26(B). He alleged that appellate counsel was ineffective by failing to raise four issues. He also argued that his ignorance of law was good cause for the untimely filing of his application.

{¶ 2} The court of appeals held that ignorance of the law was not good cause, that the issues appellant raised had previously been litigated and were therefore *res judicata*, and that the issues were also *res judicata* because they could have been raised on appeal to this court from the judgment affirming the conviction, but were not.

{¶ 3} Appellant appeals to this court.

La Don M. Forney, pro se.

SUPREME COURT OF OHIO

Per Curiam.

{¶ 4} The judgment of the court of appeals is affirmed for the reasons stated therein.

Judgment affirmed.

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