

OPINIONS OF THE SUPREME COURT OF OHIO

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

[Cite as State v. Bass (1995), Ohio St. 3d .]

Appellate procedure -- App.R. 26(B) -- 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 after journalization of appellate judgment and the appellate court finds no genuine issue of ineffective assistance of appellate counsel.

(No. 94-2301 -- Submitted January 24, 1995 -- Decided March 22, 1995.)

Appeal from the Court of Appeals for Allen County, No. 1-90-43.

Appellant, Dexter A. Bass, pled guilty to murder and, by judgment entry of March 30, 1990, was sentenced to fifteen years to life imprisonment and fined \$10,000. Pursuant to appellant's motion, the Court of Appeals for Allen County dismissed his direct appeal by journal entry of December 26, 1990. Thereafter, appellant filed an application to reopen his direct appeal pursuant to App. R. 26 (B), alleging ineffective assistance of appellate counsel. The court of appeals denied the application, finding that appellant had failed to file the application within ninety days after journalization of the appellate judgment or to show good cause for filing later, as required by App. R. 26 (B) (1), and that there was no genuine issue of ineffective assistance of counsel because appellant's appeal had been dismissed pursuant to his affidavit and motion to withdraw the appeal.

Appellant appeals the decision of the court of appeals to this court.

David E. Bowers, Allen County Prosecuting Attorney, and Gary R. Hermon, Assistant Prosecuting Attorney, for appellee.
Dexter A. Bass, pro se.

Per Curiam. The decision of the court of appeals is affirmed for the reasons stated in its opinion.

Judgment affirmed.

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