

1 The State of Ohio, Appellee, v. Elkins, Appellant.

2 [Cite as State v. Elkins (1995), ____ Ohio St.3d ____.]

3 *Appellate procedure -- Application for reopening appeal from judgment*
4 *and conviction based on claim of ineffective assistance of appellate*
5 *counsel -- Application denied when applicant fails to show good*
6 *cause for failure to file the motion within ninety days from*
7 *journalization of the appellate judgment, as required by App.R.*
8 *26(B).*

9 (No. 94-2086 -- Submitted July 26, 1995, -- Decided October 25, 1995.)

10 Appeal from the Court of Appeals for Stark County, No. CA-8972.

11 On July 21, 1994, appellant, Ronald Dale Elkins, filed with the court
12 of appeals an application to reopen his appeal under App.R. 26(B), alleging
13 ineffective assistance of appellate counsel. Almost fourteen months had
14 passed since the affirmance of his conviction, and the court of appeals
15 “overruled” the application without stating its reasons for doing so, as
16 required by App. R. 26(B)(6). We remanded the case for compliance with
17 that rule. *State v. Elkins* (1995), 71 Ohio St.3d 576, 645 N.E.2d 1245. On
18 remand, the court of appeals found that appellant had not shown good cause
19 for filing his application to reopen more than ninety days after the
20 journalization of the appellate judgment, as required by App. R.26(B)(2)(b),

1 and also reviewed the merits of Elkins' claims and concluded that he was
2 not deprived of the effective assistance of counsel.

3 Appellant appeals the denial to this court.

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5 *Ronald Dale Elkins, pro se.*

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7 *Per Curiam.* We affirm the decision of the court of appeals for the
8 reasons stated in its opinion.

9 *Judgment affirmed.*

10 MOYER, C.J., DOUGLAS, WRIGHT, RESNICK, F.E. SWEENEY, PFEIFER
11 AND COOK, JJ., CONCUR.

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