

OPINIONS OF THE SUPREME COURT OF OHIO

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The State of Ohio, Appellee, v. Carroll, Appellant.
[Cite as State v. Carroll (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 court of appeals' decision affirming the conviction, as required by App.R. 26(B).

(No. 94-2437--Submitted February 7, 1995 -- Decided April 26, 1995.)

Appeal from the Court of Appeals for Cuyahoga County, No. 62747.

According to the court of appeals' opinion, appellant, Daniel Carroll, was convicted of cocaine possession with a previous conviction for a drug offense, carrying a concealed weapon with a violence specification, and having a weapon while under disability with violence and firearm specifications. He appealed, and the court of appeals affirmed the convictions. State v. Carroll (June 10, 1993), Cuyahoga App. No. 62747, unreported. It is agreed that on August 25, 1994, he filed an application to reopen his appeal pursuant to App. R. 26 (B), alleging ineffective assistance of appellate counsel. The court of appeals denied the application, holding that appellant failed to establish good cause for filing the application more than ninety days after the judgment affirming his conviction on appeal was journalized, as required by App. R. 26 (B) (1) and (2) (b). The court also found that appellant's claims failed to establish a colorable claim of ineffective assistance of appellate counsel. Appellant now appeals to this court.

Stephanie Tubbs Jones, Cuyahoga County Prosecuting Attorney, and John W. Monroe, Assistant Prosecuting Attorney, for appellee.

Daniel Carroll, pro se.

Per Curiam. The judgment 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.