

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

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

3 Appellate procedure -- Application for reopening appeal from judgment and

4 conviction based on claim of ineffective assistance of appellate

5 counsel -- Application denied when applicant fails to show good

6 cause for failing to file his application within ninety days after

7 journalization of the appellate judgment, and applicant fails to raise a

8 colorable claim of ineffective assistance of appellate counsel.

9 (No. 95-636 -- Submitted June 21, 1995 -- Decided August 23, 1995.)

10 Appeal from the Court of Appeals for Clermont County, No. CA92-

11 12-118.

12 Appellant, James R. Hackney, was convicted of five counts of gross

13 sexual imposition and one count of intimidation of a crime victim and

14 sentenced accordingly. The Court of Appeals for Clermont County affirmed

15 the judgment of the trial court. *State v. Hackney* (Aug. 30, 1993), Clermont

16 Cty. App. No. CA92-12-118, unreported, jurisdictional motion overruled

17 (1994), 68 Ohio St. 3d 1427, 624 N.E.2d 1064.

1 Fifteen months later, on February 13, 1995, appellant filed an
2 application to reopen pursuant to App. R. 26(B). The court of appeals
3 denied the application based on untimely delay in filing without good cause
4 shown, and failure to raise a colorable claim of ineffective assistance of
5 appellate counsel. This appeal followed.

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7 *Donald W. White*, Clermont County Prosecuting Attorney, and *David*
8 *Henry Hoffmann*, Assistant Prosecuting Attorney, for appellee.

9 *James R. Hackney, pro se.*

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11 *Per Curiam.* We affirm the decision of the court of appeals for the reasons
12 stated in its judgment entry.

13 *Judgment affirmed.*

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

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