

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

[Cite as *State v. White*, 1996-Ohio-1.]

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 show good cause for failing to file motion within ninety days from journalization of court of appeals’ decision affirming the conviction, as required by App.R. 26(B).

(No. 95-2471—Submitted February 20, 1996—Decided April 17, 1996.)

APPEAL from the Court of Appeals for Clark County, No. 1999.

{¶ 1} According to appellant, Dale D. White, in 1984 he was convicted of aggravated robbery with a firearm specification and with having a weapon while under a disability. Upon appeal, the conviction was affirmed. *State v. White* (July 22, 1985), Clark App. No. 1999, unreported. Appellant’s further appeal to this court was dismissed, *sua sponte*. *State v. White*, case No. 86-76.

{¶ 2} On September 13, 1995, appellant filed with the court of appeals a delayed application for reopening pursuant to App. R. 26(B), alleging ineffective assistance of appellate counsel. The court of appeals denied the motion as untimely without good cause shown as required by App. R. 26(B)(2)(b). This appeal followed.

Dale D. White, pro se.

SUPREME COURT OF OHIO

Per Curiam.

{¶ 3} We affirm the decision of the court of appeals for the reason stated in its judgment entry.

Judgment affirmed.

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

WRIGHT, J., not participating.
