

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

2 [Cite as *State v. Oden* (1996), _____ Ohio St.3d _____.]

3 *Appellate procedure -- Application for reopening appeal from*
4 *judgment and conviction based on claim of ineffective*
5 *assistance of appellate counsel -- Application denied when*
6 *applicant fails to establish good cause for failing to file his*
7 *application within ninety days after journalization of the court*
8 *of appeals' decision affirming the conviction, as required by*
9 *App.R. 26(B).*

10 (No. 95-1052--Submitted September 12, 1995--Decided January 10,
11 1996.)

12 Appeal from the Court of Appeals for Summit County, No. 13869.

13 Appellant, Master Chaunce' Oden, was convicted of aggravated
14 burglary with a prior aggravated felony specification and sentenced
15 accordingly. The Court of Appeals for Summit County affirmed the
16 conviction. *State v. Oden* (May 3, 1989), Summit App. No. 13869,
17 unreported.

18 On March 7, 1994, appellant filed an application for reopening
19 pursuant to App. R. 26(B), alleging as good cause for failure to file within
20 ninety days after journalization of the appellate judgment as required by

1 App.R. 26(B)(2)(b), that he was pursuing various appeals and collateral
2 attacks on the judgment instead, and that the riots at the Southern Ohio
3 Correctional Institute also impeded his ability to file a timely application.
4 The court of appeals denied the application, finding that appellant failed to
5 file the application in a timely manner, rejecting the stated reasons for good
6 cause. This appeal followed.

7 *Maureen O'Connor*, Summit County Prosecuting Attorney, and
8 *William D. Wellemeyer*, Assistant Prosecuting Attorney, for appellee.

9 *Master Chaunce' Oden*, *pro se*.

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

12 *Judgment affirmed.*

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

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