

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

[Cite as *State v. Oden*, 1996-Ohio-11.]

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. 95-1052—Submitted September 12, 1995—Decided January 10, 1996.)

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

{¶ 1} Appellant, Master Chaunce’ Oden, was convicted of aggravated burglary with a prior aggravated felony specification and sentenced accordingly. The Court of Appeals for Summit County affirmed the conviction. *State v. Oden* (May 3, 1989), Summit App. No. 13869, unreported.

{¶ 2} On March 7, 1994, appellant filed an application for reopening pursuant to App. R. 26(B), alleging as good cause for failure to file within ninety days after journalization of the appellate judgment as required by App.R. 26(B)(2)(b), that he was pursuing various appeals and collateral attacks on the judgment instead, and that the riots at the Southern Ohio Correctional Institute also impeded his ability to file a timely application. The court of appeals denied the application, finding that appellant failed to file the application in a timely manner, rejecting the stated reasons for good cause. This appeal followed.

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

Master Chaunce’ Oden, pro se.

SUPREME COURT OF OHIO

Per Curiam.

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

Judgment affirmed.

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