

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

[Cite as *State v. Witlicki*, 1996-Ohio-13.]

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 within ninety days after journalization of the court of appeals’ decision affirming the conviction, as required by App.R. 26(B).

(No. 95-1246—Submitted October 10, 1995—Decided January 10, 1996.)

APPEAL from the Court of Appeals for Lake County, No. 8-245.

{¶ 1} Appellant, Thomas Witlicki, was convicted of two counts of rape, one count of gross sexual imposition, and one count of aggravated burglary. The appellate court affirmed the conviction. *State v. Witlicki* (June 21, 1982), Lake App. No. 8-245, unreported.

{¶ 2} Over twelve years later, on November 3, 1994, appellant filed an application to reopen pursuant to App. R. 26(B). The appeals court denied the application as untimely without good cause shown. According to the court of appeals, appellant’s claim that he was unable to discover the trial errors because the trial was complex, because he has a limited education, and because the library at appellant’s correctional institution lacked adequate resources was not good cause for the untimely filing of appellant’s application to reopen. This appeal followed.

Charles E. Coulson, Lake County Prosecuting Attorney, *Ariana E. Tarighati* and *Julie E. Mitrovich*, Assistant Prosecuting Attorneys, for appellee.
Thomas Witlicki, *pro se*.

SUPREME COURT OF OHIO

Per Curiam.

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

Judgment affirmed.

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