

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

[Cite as *State v. Mingo*, 1996-Ohio-23.]

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 failure to file the motion within ninety days from journalization of the appellate judgment, as required by App.R. 26(B)(2)(b).

(No. 95-1780—Submitted December 12, 1995—Decided February 14, 1996.)

APPEAL from the Court of Appeals for Hamilton County, No. C-930235.

{¶ 1} Appellant, James H. Mingo, was convicted of two counts of aggravated burglary, with specifications, and two counts of theft, also with accompanying specifications, and sentenced to terms of imprisonment. The court of appeals affirmed. *State v. Mingo* (Mar. 16, 1994), Hamilton App. No. C-930235, unreported, 1994 WL 79588.

{¶ 2} In June 1995, appellant filed with the court of appeals an application to reopen his appeal under App.R. 26(B), alleging ineffective assistance of appellate counsel. The court of appeals denied the application, finding that appellant had failed to establish good cause for not filing the application to reopen within ninety days after the journalization of the appellate judgment, as required by App.R. 26(B)(2)(b).

{¶ 3} Appellant appeals the denial to this court.

Joeseeph T. Deters, Hamilton County Prosecuting Attorney, and *Ronald W. Springman, Jr.*, Assistant Prosecuting Attorney, for appellee.

James H. Mingo, pro se.

SUPREME COURT OF OHIO

Per Curiam.

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

Judgment affirmed.

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