

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

2 [Cite as State v. Mingo (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 failure to file the*
7 *motion within ninety days from journalization of the appellate*
8 *judgment, as required by App.R. 26(B)(2)(b).*

9 (No. 95-1780--Submitted December 12, 1995--Decided February 14,
10 1996.)

11 Appeal from the Court of Appeals for Hamilton County, No. C-
12 930235.

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

18 In June 1995, appellant filed with the court of appeals an application
19 to reopen his appeal under App.R. 26(B), alleging ineffective assistance of
20 appellate counsel. The court of appeals denied the application, finding that

1 appellant had failed to establish good cause for not filing the application to
2 reopen within ninety days after the journalization of the appellate judgment,
3 as required by App.R. 26(B)(2)(b).

4 Appellant appeals the denial to this court.

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6 *Joeseph T. Deters*, Hamilton County Prosecuting Attorney, and

7 *Ronald W. Springman, Jr.*, Assistant Prosecuting Attorney, for appellee.

8 *James H. Mingo, pro se.*

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

12 *Judgment affirmed.*

13 MOYER, C.J., DOUGLAS, WRIGHT, RESNICK, F.E. SWEENEY, PFEIFER

14 and COOK, JJ., concur.

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