

**THE STATE OF OHIO, APPELLEE, v. COLWELL, APPELLANT.**

**[Cite as *State v. Colwell*, 1996-Ohio-240.]**

*Appellate procedure—Application for reopening from judgment and conviction based on claim of ineffective assistance of appellate counsel—Application denied when applicant fails to show good cause for failure to file the motion within ninety days after journalization of the court of appeals’ decision affirming the conviction, as required by App.R. 26(B).*

(No. 95-2005—Submitted January 23, 1996—Decided February 28, 1996.)

APPEAL from the Court of Appeals for Hamilton County, No. C-930806.

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{¶ 1} Appellant, Michael Colwell, was convicted of aggravated trafficking in 1993 and sentenced accordingly. Upon appeal, the conviction was affirmed. *State v. Colwell* (Dec. 7, 1994), Hamilton App. No. C-930806, unreported.

{¶ 2} On June 12, 1994, appellant filed an application for reopening pursuant to App. R. 26(B), alleging that he had hired an attorney to file the application in a timely manner, but that the attorney had failed to act. The court of appeals denied the application as untimely without good cause shown. *State v. Colwell* (Sept. 12, 1995), Hamilton App. No. C-930806, unreported. This appeal followed.

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*Joseph T. Deters*, Hamilton County Prosecuting Attorney, and *William E. Breyer*, Assistant Prosecuting Attorney, for appellee.

*Michael Colwell, pro se.*

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SUPREME COURT OF OHIO

*Per Curiam.*

{¶ 3} We affirm the decision of the court of appeals for the reasons stated in its judgment entry.<sup>1</sup>

*Judgment affirmed.*

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

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1. Appellant's motion to produce/transmit record, and motion to return copies instead of reclying are also denied.