

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

**[Cite as *State v. Paris*, 1996-Ohio-30.]**

*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 show 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. 95-2425—Submitted June 25, 1996—Decided August 7, 1996.)

APPEAL from the Court of Appeals for Clark County, No. 2836.

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{¶ 1} In June 1991, appellant, David Paris, was convicted of felonious assault and sentenced to prison. In March 1992, the court of appeals affirmed the conviction and sentence. *State v. Paris* (Mar. 26, 1992), Clark App. No. 2836, unreported, 1992 WL 63387.

{¶ 2} It is undisputed that Paris filed an application in August 1995 with the court of appeals to reopen his appeal under App.R. 26(B), alleging ineffective assistance of appellate counsel. In October 1995, the court of appeals denied appellant’s motion to reopen because Paris failed to file his application within ninety days of the journalization of the appellate judgment, as required by App.R. 26 (B). Further, the court found that Paris “has failed to show good cause for his delay in filing his application to reopen his appeal.”

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

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*Stephen A. Schumaker*, Clark County Prosecuting Attorney, and *Douglas M. Rastatter*, Assistant Prosecuting Attorney, for appellee.

SUPREME COURT OF OHIO

*David H. Bodiker*, Ohio Public Defender, *David Klaus* and *Angela Wilson Miller*, Assistant Public Defenders, for appellant.

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***Per Curiam.***

{¶ 4} We affirm the judgment of the court of appeals for the reasons stated in its decision. See *State v. White* (1995), 72 Ohio St.3d 91, 641 N.E.2d 787.

*Judgment affirmed.*

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

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