

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

**[Cite as *State v. Sailors*, 1996-Ohio-367.]**

*Appellate procedure—Application for reopening appeal from judgment and conviction based on claim of ineffective assistance of appellate counsel—Application denied when not timely filed and applicant fails to show good cause for failure to file the motion within ninety days after journalization of the appellate judgment—App.R. 26(B)(1).*

(No. 95-1002—Submitted October 15, 1996—Decided December 11, 1996.)

APPEAL from the Court of Appeals for Wayne County, No. 2723.

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{¶ 1} In February 1992, a jury convicted appellant, Thomas Lee Sailors, of aggravated trafficking in cocaine. The court of appeals affirmed his conviction and sentence. *State v. Sailors* (Oct. 7, 1992), Wayne App. No. 2723, unreported, 1992 WL 281378.

{¶ 2} On December 16, 1993, Sailors filed an application with the court of appeals to reopen his appeal under App.R. 26(B), alleging ineffective assistance of appellate counsel. The court of appeals denied the application for reopening, finding that Sailors “has acknowledged that his motion was not timely filed.” Further, the court found that Sailors has not shown “good cause” for the delay in filing. See App.R. 26(B)(1).

{¶ 3} Sailors now appeals that denial to this court.

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*Martin Frantz*, Wayne County Assistant Prosecuting Attorney, for appellee.  
*Thomas Lee Sailors*, *pro se*.

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***Per Curiam.***

SUPREME COURT OF OHIO

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

*Judgment affirmed.*

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

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