

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

[Cite as *State v. Simpson*, 1996-Ohio-37.]

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 failure to file the motion within ninety days from journalization of the court of appeals’ decision affirming the conviction, as required by App.R. 26(B)(2)(b).

(No. 96-587—Submitted May 21, 1996—Decided July 24, 1996.)

APPEAL from the Court of Appeals for Hamilton County, No. C-941049.

{¶ 1} On November 30, 1994, appellant, Marcus Simpson, was convicted of aggravated trafficking, and was sentenced to a term of imprisonment. Upon appeal, the conviction was affirmed. *State v. Simpson* (Sept. 22, 1995), Hamilton App. No. C-941049, unreported. Appellant’s appeal to this court was dismissed. *State v. Simpson* (1996), 74 Ohio St.3d 1499, 659 N.E.2d 314.

{¶ 2} In December 1995, appellant filed an application for reopening before the court of appeals pursuant to App.R. 26(B), alleging ineffective assistance of appellate counsel. The court of appeals denied the motion as untimely without good cause shown as required by App.R. 26(B)(2)(b). This appeal followed.

Joseph T. Deters, Hamilton County Prosecuting Attorney, and *Christian J. Schaefer*, Assistant Prosecuting Attorney, for appellee.

Marcus Simpson, pro se.

Per Curiam.

SUPREME COURT OF OHIO

{¶ 3} 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.
