

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

2 [Cite as *State v. McCleskey* (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 state sufficient reasons for failure to file the*  
7 *motion within ninety days from journalization of the court of*  
8 *appeals' decision affirming the conviction, as required by*  
9 *App.R. 26(B).*

10 (No. 96-579--Submitted May 7, 1996--Decided June 19, 1996.)

11 Appeal from the Court of Appeals for Montgomery County, No.

12 14351.

13 Appellant, George B. McCleskey, was convicted of rape, felonious

14 sexual penetration, gross sexual imposition, and corruption of a minor.

15 Thereafter, appellant was sentenced to various terms of imprisonment.

16 Upon appeal, the convictions were affirmed. *State v. McCleskey* (Nov. 16,

17 1994), Montgomery App. No. 14351, unreported, 1994 WL 645976.

18 On January 5, 1996, appellant filed an application for reopening

19 before the court of appeals pursuant to App. R. 26(B), alleging ineffective

20 assistance of appellate counsel. The court of appeals overruled the

1 application on the grounds that appellant did not state sufficient reasons  
2 why the application was not made within ninety days of the court's  
3 November 1994 judgment entry. This appeal followed.

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5 *Mathias H. Heck, Jr.*, Montgomery County Prosecuting Attorney, and  
6 *Carley J. Ingram*, Assistant Prosecuting Attorney, for appellee.

7 *George B. McCleskey, pro se.*

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

11 *Judgment affirmed.*

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

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