

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

2 [Cite as *State v. Brown* (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 establish good cause for failure to file motion*
7 *within ninety days from journalization of the appellate*
8 *judgment, as required by App.R. 26(B).*

9 (No. 95-2122--Submitted December 12, 1995--Decided February 14,
10 1996.)

11 Appeal from the Court of Appeals for Montgomery County, No. CA
12 8175.

13 Appellant, Ronald Perry Brown, was convicted of rape and gross
14 sexual imposition. His convictions and sentences were affirmed on appeal.
15 *State v. Brown* (Apr. 13, 1984), Montgomery App. No. CA 8175,
16 unreported.

17 He filed an application for reopening his appeal on July 24, 1995,
18 alleging as good cause for failure to file the application within ninety days
19 of journalization of the judgment sought to be reopened, as required by

1 App.R. 26(B), that a right to reopen was not announced before 1992, and
2 after 1992, he did not wish to jeopardize his first chance for parole by
3 having a case pending. The court of appeals rejected this reasoning, and
4 appellant appealed to this court.

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

7 *Ronald Perry Brown, pro se.*

8 *Per Curiam.* The judgment of the court of appeals is affirmed. In
9 this court, appellant makes no attempt to establish good cause, but instead
10 argues the questions he wanted the court of appeals to hear, but which it did
11 not hear. The application was rejected for failure to state a good cause for
12 late filing. That is the issue before this court. Since appellant does not even
13 address the issue, the judgment of the court of appeals is affirmed.

14 *Judgment affirmed*

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

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