

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

[Cite as *State v. Jackson*, 1996-Ohio-88.]

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), and fails to disclose the existence of a genuine issue as to appellate counsel’s effectiveness.

(No. 96-357—Submitted June 25, 1996—Decided August 7, 1996.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 62013.

{¶ 1} Appellant, Demetrius Jackson, was convicted of selling or offering to sell cocaine, possession of cocaine, and possession of criminal tools. He was thereafter sentenced to consecutive terms of imprisonment. Upon appeal, the convictions were affirmed. *State v. Jackson* (Apr. 5, 1993), Cuyahoga App. No. 62013, unreported. Appellant’s further appeal to this court was dismissed, *sua sponte*. *State v. Jackson* (1993), 67 Ohio St.3d 1469, 619 N.E.2d 1026.

{¶ 2} According to appellant, in September 1995, he 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, on January 4, 1996, found that the application was untimely without good cause shown, and, further, that the application failed to disclose the existence of a genuine issue as to appellate counsel’s effectiveness. This appeal followed.

SUPREME COURT OF OHIO

Stephanie Tubbs Jones, Cuyahoga County Prosecuting Attorney, and *Diane Smilanick*, Assistant Prosecuting Attorney, for appellee.

Demetrius Jackson, pro se.

Per Curiam.

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

Judgment affirmed.

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