

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

**[Cite as *State v. Way*, 1996-Ohio-9.]**

*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 establish good cause for failing to file within ninety days after journalization of the court of appeals’ decision affirming the conviction, as required by App.R. 26(B).*

(No. 95-854—Submitted September 12, 1995—Decided January 10, 1996.)

APPEAL from the Court of Appeals for Hamilton County, No. C-950134.

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{¶ 1} Appellant, Chief T. C. Way, was convicted of aggravated robbery, felonious assault, and having a weapon while under disability in May 1988. His convictions were affirmed on appeal on June 28, 1989. *State v. Way*, Hamilton App. No. C-880373, unreported. Subsequently, in July 1988, appellant was convicted of aggravated robbery with specifications and theft with a prior theft conviction. His convictions were affirmed on appeal on January 10, 1990. *State v. Way*, Hamilton App. No. C-0880505, unreported.

{¶ 2} On February 22, 1995, appellant filed a notice of appeal in the Hamilton County Court of Appeals from both appellate decisions. The court treated this as an application for reopening, and dismissed the appeal as untimely pursuant to App. R. 26(B). This appeal followed.

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*Joseph T. Deters*, Hamilton County Prosecuting Attorney, and *Philip R. Cummings*, Assistant Prosecuting Attorney, for appellee.

*Chief T. C. Way, pro se.*

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SUPREME COURT OF OHIO

*Per Curiam.*

{¶ 3} Under App. R. 26(B)(2)(b), an application for reopening requires “a showing of good cause for untimely filing if the application is filed more than ninety days after journalization of the appellate judgment[.]” Here, the appellate judgments were journalized on June 28, 1989 and January 10, 1990, and the appellant filed his appeal on February 22, 1995, over five years later. Nowhere in the record does appellant offer any good cause for his untimely filing. Accordingly, we affirm the decision of the court of appeals.

*Judgment affirmed.*

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

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