

[Cite as *State v. Jackson*, 2002-Ohio-5461.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

NO. 80118

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee	:	JOURNAL ENTRY
	:	and
vs.	:	OPINION
	:	
MAURICE JACKSON,	:	
	:	
Defendant-Appellant	:	

DATE OF JOURNALIZATION : OCTOBER 9, 2002

CHARACTER OF PROCEEDING: : Application for Reopening,
: Motion No. 40524
: Lower Court No. CR-390243
: Common Pleas Court.

JUDGMENT : APPLICATION DENIED.

APPEARANCES:

For plaintiff-appellee: William D. Mason, Esq.
Cuyahoga County Prosecutor
The Justice Center - 8th Floor
1200 Ontario Street
Cleveland, Ohio 44113

For defendant-appellant: Maurice Jackson, Pro Se
Inmate No. A-396-218
Ohio State Penitentiary
878 Coitsville-Hubbard Road
Youngstown, Ohio 44505

MICHAEL J. CORRIGAN, J.:

{¶1} Maurice Jackson, the applicant, has filed an application for reopening pursuant to App.R. 26(B). However, no appellate

judgment, which reviewed Jackson's conviction and sentence as rendered in *State v. Jackson*, Cuyahoga County Court of Common Pleas Case No. CR-390243, has been announced and journalized by this court. Thus, we are prevented from considering Jackson's application for reopening as brought pursuant to App.R. 26(B). *State v. Skaggs* (May 12, 1999), Cuyahoga App. No. 76301, reopening disallowed (Sept. 21, 1999), Motion No. 7505. See, also, *State v. Loomer* (1996), 76 Ohio St.3d 398; *State v. Halliwell* (Jan. 29, 1999), Cuyahoga App. No. 70369, reopening disallowed (Jan. 29, 1999), Motion No. 00187; *State v. Fields* (Feb. 29, 1996), Cuyahoga App. No. 68906, reopening disallowed (Sept. 5, 1997), Motion No. 84867; *State v. Williams* (Oct. 31, 1996), Cuyahoga App. No. 69936, reopening disallowed (May 7, 1997), Motion No. 82993.

{¶2} In addition, the legal basis for reopening an appeal under App.R. 26(B) is ineffective assistance of appellate counsel. Since Jackson filed a pro se appeal, which was dismissed on October 22, 2001, for failure to file the record, he is precluded from arguing the claim of ineffective assistance of appellate counsel on appeal. *State v. Boone* (1996), 114 Ohio App.3d 275, 683 N.E.2d 67; *State v. Bobo* (Jan. 9, 1996), Cuyahoga App. No. 60013, reopening disallowed (Apr. 10, 1996), Motion No. 69762; *State v. Drake* (July 2, 1998), Cuyahoga App. No. 74661, reopening disallowed (June 24, 1999), Motion No. 4637; *State v. Thornton* (Apr. 15, 1999), Cuyahoga App. No. 76014, reopening disallowed (Mar. 9,

2000), Motion No. 8113; and *State v. Hall* (Dec. 16, 1999), Cuyahoga App. No. 75386, reopening disallowed (May 17, 2000), Motion No. 15531.

{¶3} Accordingly, we deny Jackson's application for reopening.

MICHAEL J. CORRIGAN
JUDGE

JAMES D. SWEENEY, P.J., and

PATRICIA A. BLACKMON, J., CONCUR.