

[Cite as *State v. Effinger*, 2009-Ohio-5242.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 93450

STATE OF OHIO

APPELLEE

VS.

RICHARD EFFINGER

APPELLANT

**JUDGMENT:
APPLICATION DENIED**

APPLICATION FOR REOPENING
MOTION NO. 426089
CUYAHOGA COUNTY COMMON
PLEAS COURT NO. CR-514704

RELEASE DATE: September 28, 2009

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JAMES J. SWEENEY, J.:

{¶ 1} In *State v. Effinger*, Cuyahoga County Court of Common Pleas Case No. CR-514704, applicant, Richard Effinger, pled guilty to 15 counts of pandering sexually oriented material involving a minor with forfeiture specification and one count of possessing criminal tools with forfeiture specification. Effinger was represented by retained counsel.

{¶ 2} Effinger filed his direct appeal to this court pro se. This court: a) denied his motions for delayed appeal and appointment of counsel and transcript at state expense; and b) dismissed the appeal. *State v. Effinger*, Cuyahoga App. No. 93450, Entry Nos. 423085, 423086 and 423671, dated July 1, 2009.

{¶ 3} Effinger has filed with the clerk of this court an application for reopening. We deny the application for reopening. As required by App.R. 26(B)(6), the reasons for our denial follow.

{¶ 4} App. R. 26(B)(1) provides, in part: “A defendant in a criminal case may apply for reopening of the appeal from the judgment of conviction and sentence, based on a claim of ineffective assistance of appellate counsel.” A defendant who represents himself or herself on direct appeal, however, may not maintain an application for reopening. *State v. Gaston*, Cuyahoga App. No. 92242, 2009-Ohio-3080, reopening disallowed, 2009-Ohio-4715.

{¶ 5} Effinger has not met the standard for reopening. Accordingly, the application for reopening is denied.

JAMES J. SWEENEY, JUDGE

SEAN C. GALLAGHER, P.J., and
FRANK D. CELEBREZZE, JR., J., CONCUR