

[Cite as *State v. Bronczyk*, 2013-Ohio-3129.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 98664

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**STATE OF OHIO**

PLAINTIFF-APPELLEE

vs.

**JOSEPH BRONCZYK**

DEFENDANT-APPELLANT

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**JUDGMENT:**  
APPLICATION DENIED

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Cuyahoga County Common Pleas Court  
Case No. CR-540345  
Application for Reopening  
Motion No. 465969

**RELEASE DATE:** July 17, 2013

**APPELLANT**

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**ATTORNEYS FOR APPELLEE**

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Cuyahoga County Prosecutor  
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KATHLEEN ANN KEOUGH, J.:

{¶1} On June 20, 2013, Joseph Bronczyk filed an application for reopening pursuant to App.R. 26(B). Bronczyk is attempting to reopen the appeal that was dismissed by this court on May 8, 2013.

App.R. 26(B)(1) provides that

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. An application for reopening shall be filed in the court of appeals where the appeal was decided within ninety days from journalization of the appellate judgment unless the applicant shows good cause for filing at a later time.

(Emphasis added.)

{¶2} In the case sub judice, no appellate judgment was announced and journalized by this court that reviewed Bronczyk's conviction and sentence as rendered in *State v. Bronczyk*, Cuyahoga C.P. No. CR-540345. Thus, this court is prevented from considering Bronczyk's application for reopening as made pursuant to App.R. 26(B). *State v. Loomer*, 76 Ohio St.3d 398, 1996-Ohio-59, 667 N.E.2d 1209; *See also State v. Halliwell*, 8th Dist. No. 70369, 1999 Ohio App. LEXIS 285 (Jan. 28, 1999).

Accordingly, the application for reopening is denied.

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KATHLEEN ANN KEOUGH, JUDGE

FRANK D. CELEBREZZE, JR., P.J., and  
MARY EILEEN KILBANE, J., CONCUR