

[Cite as *State v. Mays*, 2014-Ohio-2637.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 99150

STATE OF OHIO

PLAINTIFF-APPELLEE

vs.

TRACY MAYS

DEFENDANT-APPELLANT

JUDGMENT:
APPLICATION DENIED

Cuyahoga County Court of Common Pleas
Case No. CR-559249
Application for Reopening
Motion No. 474342

RELEASE DATE: June 17, 2014

FOR APPELLANT

Tracy Mays, pro se
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ATTORNEYS FOR APPELLEE

Timothy J. McGinty
Cuyahoga County Prosecutor

By: Diane Smilanick
Assistant County Prosecutor
Justice Center, 9th Floor
1200 Ontario Street
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EILEEN T. GALLAGHER, J.:

{¶1} Tracy Mays has filed a second application for reopening pursuant to App.R. 26(B). Mays is attempting to reopen the appellate judgment rendered in *State v. Mays*, 8th Dist. Cuyahoga No. 99150, 2013-Ohio-4031. That appeal affirmed his conviction for the offense of domestic violence.

{¶2} Mays is permitted to file only one application for reopening with regard to a specific appeal. Mays has already filed an App.R. 26(B) application for reopening, with regard to appeal No. 99150, on December 2, 2013. The initial application for reopening was denied on February 28, 2014. *See State v. Mays*, 8th Dist. Cuyahoga No. 99150, 2014-Ohio-814. There exists no right to file a second or successive application for reopening under App.R. 26(B). *State v. Cooley*, 99 Ohio St.3d 345, 2003-Ohio-3914, 792 N.E.2d 720; *State v. Williams*, 99 Ohio St.3d 179, 2003-Ohio-3079, 790 N.E.2d 299; *State v. Cheren*, 73 Ohio St.3d 137, 1995-Ohio-28, 652 N.E.2d 707; *State v. Peebles*, 73 Ohio St.3d 149, 1995-Ohio-36, 652 N.E.2d 717.

{¶3} Application denied.

EILEEN T. GALLAGHER, JUDGE

MARY J. BOYLE, A.J., and
SEAN C. GALLAGHER, J., CONCUR