

[Cite as *State v. Lenhart*, 2015-Ohio-1945.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 99993

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**STATE OF OHIO**

PLAINTIFF-APPELLEE

vs.

**CHRISTOPHER E. LENHART**

DEFENDANT-APPELLANT

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**JUDGMENT:**  
APPLICATION DENIED

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Cuyahoga County Court of Common Pleas  
Case Nos. CR-12-558148-A, CR-12-558615-A and CR-12-559178-A  
Application for Reopening  
Motion No. 482886

**RELEASE DATE:** May 15, 2015

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EILEEN A. GALLAGHER, J.:

{¶1} On February 18, 2015, the applicant, Christopher Lenhart, pursuant to App.R. 26(B), applied to reopen this court’s judgment in *State v. Lenhart*, 8th Dist. Cuyahoga No. 99993, 2014-Ohio-2260, in which this court affirmed Lenhart’s convictions and sentences for burglary, kidnapping, failure to notify change of address, and intimidation.<sup>1</sup> Lenhart argues that his appellate counsel was ineffective for not arguing that “the failure to notify” charge was a lower degree felony that carried a maximum prison sentence of 36 months and for citing the wrong authority in the appellate argument. For the following reasons, this court denies the application to reopen.

{¶2} App.R. 26(B)(1) and (2)(b) require applications claiming ineffective assistance of appellate counsel to be filed within 90 days from journalization of the decision unless the applicant shows good cause for filing at a later time. The February 2015 application was filed approximately nine months after this court’s decision. Thus, it is untimely on its face. In an effort to establish good cause, Lenhart argues that his ignorance of the law prevented him from filing this application timely. The courts have consistently ruled that lack of knowledge or ignorance of the law does not provide sufficient cause for untimely filing. *State v. Klein*, 8th Dist. Cuyahoga No. 58389, 1991

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<sup>1</sup> During trial, Lenhart pleaded guilty to those four offenses, and the trial court imposed an agreed upon sentence of five years. Lenhart faced charges in three different cases, *State v. Lenhart*, Cuyahoga C.P. Nos. CR-12-558148-A, CR-12-558615-A, and CR-12-559178-A. In Case No. CR-12-558615-A, the trial court imposed a three- year sentence for “the failure to notify the change of address” charge and ran that concurrent to the sentences in the other cases.

Ohio App. LEXIS 1346 (Mar. 28,1991), *reopening disallowed* (Mar. 15, 1994), Motion No. 249260, *aff'd*, 69 Ohio St.3d 1481, 634 N.E.2d 1027 (1994), and *State v. Barnes*, 8th Dist. Cuyahoga No. 94025, 2010-Ohio-4674, *reopening disallowed*, 2011-Ohio-1916.

{¶3} Accordingly, this court denies the application to reopen.

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EILEEN A. GALLAGHER, JUDGE

FRANK D. CELEBREZZE, JR., A.J., and  
LARRY A. JONES, SR., J., CONCUR