

IN THE COURT OF APPEALS OF OHIO

SEVENTH APPELLATE DISTRICT
MAHONING COUNTY

STATE OF OHIO,

Plaintiff-Appellee,

v.

NATHANIEL DUMAS,

Defendant-Appellant.

OPINION AND JUDGMENT ENTRY
Case No. 12 MA 0031

Delayed Application to Reopen

BEFORE:

Cheryl L. Waite, Gene Donofrio, Carol Ann Robb, Judges.

JUDGMENT:

Overruled.

Atty. Gina DeGenova, Mahoning County Prosecutor, 21 West Boardman Street, 6th Floor, Youngstown, Ohio 44503, for Plaintiff-Appellee

Nathaniel Dumas, *Pro se*, #622-439, P.O. Box 56, Lebanon, Ohio 45036, Defendant-Appellant.

Dated: January 30, 2023

PER CURIAM.

{¶1} On November 17, 2022, Appellant Nathaniel Dumas filed a delayed motion for reopening in Mahoning County Court of Common Pleas Case No. 11 CR 429, pursuant to App.R. 26(B). Appellant was convicted of and sentenced for felony murder, aggravated robbery, and possession of a firearm while under a disability, along with corresponding firearm specifications. He was sentenced to twenty-eight years to life in prison. The judgment was affirmed on direct appeal. *State v. Dumas*, 7th Dist. Mahoning No. 12 MA 31, 2015-Ohio-2683. Appellant's application for reopening asserts ineffective assistance of counsel in his direct appeal.

{¶2} This is Appellant's second application for reopening. In our prior Opinion, we determined that Appellant's counsel was effective in the direct appeal. *State v. Dumas*, 7th Dist. Mahoning No. 12 MA 0031, 2016-Ohio-4799, at ¶ 13. “[T]here is no right to file successive applications for reopening.” *State v. Williams*, 99 Ohio St.3d 179, 2003-Ohio-3079, 790 N.E.2d 299, ¶ 12. “Once ineffective assistance of counsel has been raised and adjudicated, res judicata bars its relitigation.” *State v. Cheren*, 73 Ohio St.3d 137, 138, 652 N.E.2d 707 (1995).

{¶3} Appellant's delayed application for reopening is overruled.

JUDGE CHERYL L. WAITE

JUDGE GENE DONOFRIO

JUDGE CAROL ANN ROBB

NOTICE TO COUNSEL

This document constitutes a final judgment entry.