

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO, :
 :
 Plaintiff-Appellee, :
 : No. 108923
 v. :
 :
 JAVON COOPER, :
 :
 Defendant-Appellant. :

JOURNAL ENTRY AND OPINION

JUDGMENT: APPLICATION DENIED
RELEASED AND JOURNALIZED: April 21, 2026

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-18-634474-B
Application for Reopening
Motion No. 593037

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Chauncey Keller, Assistant Prosecuting Attorney, *for appellee*.

Javon Cooper, *pro se*.

EMANUELLA D. GROVES, J.:

{¶ 1} On March 3, 2026, defendant-appellant Javon Cooper (“Cooper”), pro se, filed an application to reopen his appeal pursuant to App.R. 26(B) and *State v. Murnahan*, 63 Ohio St.3d 60 (1991), arguing ineffective assistance of appellate

counsel. Cooper seeks to reopen his appeal in *State v. Cooper*, 2020-Ohio-4293, (8th Dist.), in which this court affirmed his convictions for attempted murder and felonious assault.

{¶ 2} For the reasons that follow, we deny Cooper’s application to reopen his appeal.

{¶ 3} A defendant in a criminal case may apply to reopen their appeal from a judgment of conviction based on a claim of ineffective assistance of appellate counsel. App.R. 26(B)(1). Furthermore, the application must 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.” *Id.* App.R. 26(B)(2)(b).

{¶ 4} The original appellate decision in this case was journalized on September 3, 2020. Cooper filed his application almost five and a half years later, well beyond the 90-day deadline. Accordingly, we may only consider the application if Cooper establishes there was good cause for the delay.

{¶ 5} Cooper lists several reasons for the delay: (1) he relied on the expertise of his appellate counsel and did not learn that appellate counsel was ineffective until he obtained access to the trial record; (2) he had restricted access to legal materials; and (3) he was involved in out-of-state criminal proceedings and continuous postconviction litigation, which delayed his ability to obtain the trial record.

{¶ 6} The 90-day requirement in App.R. 26 applies to all appellants. *State v. LaMar*, 2004-Ohio-3976, ¶ 9, citing *State v. Winstead*, 74 Ohio St.3d 277, 278 (1996). “Lack of effort or imagination, and ignorance of the law . . . do not automatically establish good cause for failure to seek timely relief.” *Id.*, quoting *State v. Reddick*, 72 Ohio St.3d 88, 91 (1995). Additionally, “good cause can excuse the lack of a filing only while it exists, not for an indefinite period.” *Id.* at ¶ 8, quoting *State v. Fox*, 83 Ohio St.3d 514, 516 (1998). Even if we were to find that Cooper’s lack of knowledge amounted to good cause, which we do not, that good cause would have existed up until he obtained the relevant information. Cooper filed his petition for postconviction relief in February 2024, more than a year prior to his application to reopen.

{¶ 7} Based on the foregoing, Cooper has failed to establish good cause for the delay in filing his application for reopening.

{¶ 8} Application denied.

EMANUELLA D. GROVES, JUDGE

MARY J. BOYLE, P.J., and
KATHLEEN ANN KEOUGH, J., CONCUR