

[Cite as *State v. Williams*, 2006-Ohio-4269.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 83707

STATE OF OHIO :  
 :  
 Plaintiff-Appellee : JOURNAL ENTRY  
 : AND  
 vs. : OPINION  
 :  
 DENNIS WILLIAMS :  
 :  
 Defendant-Appellant :  
 :  
 :  
 DATE OF JOURNALIZATION : AUGUST 16, 2006  
 :  
 CHARACTER OF PROCEEDINGS : Application for Reopening,  
 : Motion No. 382221  
 : Lower Court No. CR-434020  
 : Common Pleas Court  
 :  
 JUDGMENT : APPLICATION DENIED.

APPEARANCES:

For plaintiff-appellee:

WILLIAM D. MASON  
Cuyahoga County Prosecutor  
BY: MARY MCGRATH  
Assistant County Prosecutor  
Justice Center - 9<sup>th</sup> Floor  
1200 Ontario Street  
Cleveland, Ohio 44113

For defendant-appellant:

DENNIS WILLIAMS, pro se  
Inmate No. 453-475  
Mansfield Correctional Inst.  
P.O. Box 788  
Mansfield, Ohio 44901

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Judge Sean Gallagher:

{¶ 1} On March 20, 2006, Applicant Dennis Williams filed a motion for leave to file a delayed application for reopening pursuant to App.R. 26(B) with a brief in support. Thereafter, the State of Ohio, through the Cuyahoga County Prosecutor's Office, filed a memorandum in opposition to Appellant's motion for leave to file delayed application for reopening to which Williams filed a reply brief. For the following reason, we deny Williams' application.

{¶ 2} App.R. 26(B) provides in part:

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 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 date.

{¶ 3} In this matter, Williams' direct appeal was voluntarily dismissed after a motion was filed by counsel which stated that Williams no longer wished to pursue an appeal. Because there was no appellate judgment announced or journalized which examined Williams' convictions in *State v. Williams*, Cuyahoga Court of Common Pleas Case Nos. CR-434020 and CR-432748, this court is prevented from considering Williams' motion to reopen his appeal pursuant to App.R. 26(B). *State v. Maxwell* (May 23, 2001), Cuyahoga App. No. 79543, reopening disallowed, (Sep. 5, 2001), Motion No. 31059; *State v. Corbin* (Dec. 17, 1999), Cuyahoga App.

No. 75949; *State v. Skaggs* (May 12, 1999), Cuyahoga App. No. 76301, reopening disallowed (Sep. 21, 1999), Motion No. 307505. See also *State v. Loomer* (1996), 76 Ohio St.3d 398, 667 N.E.2d 1209; *State v. Halliwell* (Jan. 28, 1999), Cuyahoga App. No. 70369, reopening disallowed (Jan 29, 1999), Motion No. 00187; *State v. Fields* (Feb. 1, 1996), Cuyahoga App. No. 68906, reopening disallowed (Sep. 5, 1997), Motion No. 84867; *State v. Williams* (Oct. 31, 1996), Cuyahoga App. No. 69936, reopening disallowed (May 7, 1997), Motion No. 82993.

{¶ 4} Accordingly, Williams' application is denied.

SEAN C. GALLAGHER  
PRESIDING JUDGE

ANTHONY O. CALABRESE, JR., J., CONCURS

KENNETH A. ROCCO, J., CONCURS