

1 The State of Ohio, Appellee, v. Colwell, Appellant.

2 [Cite as *State v. Colwell* (1996), \_\_\_\_ Ohio St.3d \_\_\_\_.]

3 *Appellate procedure -- Application for reopening from judgment and*  
4 *conviction based on claim of ineffective assistance of*  
5 *appellate counsel -- Application denied when applicant fails to*  
6 *show good cause for failure to file the motion within ninety*  
7 *days after journalization of the court of appeals' decision*  
8 *affirming the conviction, as required by App.R. 26(B).*

9 (No. 95-2005 -- Submitted January 23, 1996 -- Decided February 28,  
10 1996.)

11 Appeal from the Court of Appeals for Hamilton County, No. C-  
12 930806.

13 Appellant, Michael Colwell, was convicted of aggravated trafficking  
14 in 1993 and sentenced accordingly. Upon appeal, the conviction was  
15 affirmed. *State v. Colwell* (Dec. 7, 1994), Hamilton App. No. C-930806,  
16 unreported.

17 On June 12, 1994, appellant filed an application for reopening  
18 pursuant to App. R. 26(B), alleging that he had hired an attorney to file the  
19 application in a timely manner, but that the attorney had failed to act. The  
20 court of appeals denied the application as untimely without good cause

1 shown. *State v. Colwell* (Sept. 12, 1995), Hamilton App. No. C-930806,  
2 unreported. This appeal followed.

3 *Joseph T. Deters*, Hamilton County Prosecuting Attorney, and  
4 *William E. Breyer*, Assistant Prosecuting Attorney, for appellee.

5 *Michael Colwell*, *pro se*.

6 *Per Curiam*. We affirm the decision of the court of appeals for the  
7 reasons stated in its judgment entry.<sup>1</sup>

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9 *Judgment affirmed.*

10 MOYER, C.J., DOUGLAS, WRIGHT, RESNICK, F.E. SWEENEY, PFEIFER  
11 and COOK, JJ., concur.

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<sup>1</sup> FOOTNOTE:

Appellant's motion to produce/transmit record, and motion to return copies instead of reclying are also denied.