

The State of Ohio, Appellee, v. Ward, Appellant.

[Cite as *State v. Ward* (1996), _____ Ohio St.3d _____.]

Appellate procedure -- Application for reopening appeal from judgment and conviction based on claim of ineffective assistance of appellate counsel -- Application denied when applicant fails to show good cause for failure to file the motion within ninety days after journalization of the court of appeals' decision affirming the conviction, as required by App.R. 26(B)(2)(b).

(No. 96-238 --Submitted April 15, 1996--Decided June 5, 1996.)

APPEAL from the Court of Appeals for Hamilton County, Nos. C-910878 and C-910881.

According to the state, appellant, Fredrick E. Ward, was convicted of felonious sexual penetration and gross sexual imposition and sentenced to prison in October 1991. In June 1992, the court of appeals affirmed his convictions and sentence. *State v. Ward* (June 19, 1992), Hamilton App. Nos. C-910878 and C-910881, unreported.

Subsequently, Ward filed with the court of appeals an application to reopen his appeal under App.R. 26(B), which governs claims alleging ineffective assistance of appellate counsel. The court of appeals found that

Ward had “failed to show good cause for filing his application more than ninety days after *** judgment was journalized, as required by App.R. 26(B)(2)(b).” Hence, the court of appeals denied Ward’s application. Ward appeals that denial to this court.

Joseph T. Deters, Hamilton County Prosecuting Attorney, and *Philip R. Cummings*, Assistant Prosecuting Attorney, for appellee.

Fredrick E. Ward, *pro se*.

Per Curiam. We affirm the judgment of the court of appeals for the reasons stated in that court’s entry.

Judgment affirmed.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK
and STRATTON, JJ., concur.