- 1 The State of Ohio, Appellee, v. Way, Appellant.
- 2 [Cite as *State v. Way* (1996), _____ Ohio St.3d _____.]
- 3 Appellate procedure -- Application for reopening appeal from
- 4 judgment and conviction based on claim of ineffective
- 5 assistance of appellate counsel -- Application denied when
- 6 applicant fails to establish good cause for failing to file within
- 7 ninety days after journalization of the court of appeals'
- 8 decision affirming the conviction, as required by App.R. 26(B).
- 9 (No. 95-854--Submitted September 12, 1995--Decided January 10,
- 10 1996.)
- 11 Appeal from the Court of Appeals for Hamilton County, No. C-
- 12 950134.
- 13 Appellant, Chief T. C. Way, was convicted of aggravated robbery,
- 14 felonious assault, and having a weapon while under disability in May 1988.
- 15 His convictions were affirmed on appeal on June 28, 1989. State v. Way,
- Hamilton App. No. C-880373, unreported. Subsequently, in July 1988,
- 17 appellant was convicted of aggravated robbery with specifications and theft
- 18 with a prior theft conviction. His convictions were affirmed on appeal on
- 19 January 10, 1990. State v. Way, Hamilton App. No. C-0880505, unreported.

- On February 22, 1995, appellant filed a notice of appeal in the
- 2 Hamilton County Court of Appeals from both appellate decisions. The
- 3 court treated this as an application for reopening, and dismissed the appeal
- 4 as untimely pursuant to App. R. 26(B). This appeal followed.
- 5 Joseph T. Deters, Hamilton County Prosecuting Attorney, and Philip
- 6 R. Cummings, Assistant Prosecuting Attorney, for appellee.
- 7 *Chief T. C. Way, pro se.*
- 8 *Per Curiam.* Under App. R. 26(B)(2)(b), an application for reopening
- 9 requires "a showing of good cause for untimely filing if the application is
- 10 filed more than ninety days after journalization of the appellate judgment[.]"
- Here, the appellate judgments were journalized on June 28, 1989 and
- 12 January 10, 1990, and the appellant filed his appeal on February 22, 1995,
- over five years later. Nowhere in the record does appellant offer any good
- 14 cause for his untimely filing. Accordingly, we affirm the decision of the
- 15 court of appeals.
- 16 Judgment affirmed.
- MOYER, C.J., DOUGLAS, WRIGHT, RESNICK, F.E. SWEENEY, PFEIFER
- and COOK, JJ., concur.