COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 85208

STATE OF OHIO	:	
	:	JOURNAL ENTRY
Plaintiff-Appellee	:	AND
	:	OPINION
vs.	:	
	:	
ELDRIDGE COLVIN	:	
	:	
Defendant-Appellant	:	
	:	
	:	
DATE OF JOURNALIZATION	:	SEPTEMBER 8, 2005
CHARACTER OF PROCEEDINGS	:	Application for Reopening,
	:	Motion No. 374912
	:	Lower Court No. CR-443507
	:	Common Pleas Court
JUDGMENT	:	APPLICATION DENIED.

APPEARANCES:

For plaintiff-appellee: WILLIAM D. MASON
Cuyahoga County Prosecutor
BY: PINKEY S. CARR
Assistant County Prosecutor
Justice Center - 9th Floor
1200 Ontario Street
Cleveland, Ohio 44113

For defendant-appellant: ELDRIDGE COLVIN, pro se
DRC #A460-406
Lake Erie Correctional Inst.
P.O. Box 8000
Conneaut, Ohio 44030

JUDGE JAMES J. SWEENEY:

{¶ 1} Eldridge Colvin, through an application for reopening, is attempting to reopen the appellate judgment that was rendered by this court in *State v. Colvin*, Cuyahoga App. No. 85208, 2005-Ohio-1985, which affirmed his plea of guilty to the offenses of aggravated robbery (R.C. 2911.01) and failure to comply with the order or signal of police officer (R.C. 2921.331). Colvin argues that he was denied effective assistance of counsel upon appeal.

{¶ 2} An application for reopening, as filed pursuant to App.R. 26(B), must be based upon a claim of ineffective assistance of appellate counsel. See App.R. 26(B)(1). Colvin, however, represented himself on appeal to this court in *State v. Colvin*, supra., and cannot raise the issue of ineffective assistance of appellate counsel through the present application for reopening. *State v. Boone* (1996), 114 Ohio App.3d 275, 683 N.E.2d 67; *State v. Smith* (Nov. 29, 2001), Cuyahoga App. No. 79292, reopening disallowed (Mar. 8, 2002), Motion No. 36058; *State v. Bobo* (Jan. 16, 1996), Cuyahoga App. No. 60013, reopening disallowed (Apr. 10, 1996), Motion No. 69762.

{¶ 3} Accordingly, the application for reopening is denied.

JAMES J. SWEENEY
JUDGE

FRANK D. CELEBREZZE, JR., P.J., CONCURS

CHRISTINE T. MCMONAGLE, J., CONCURS