

[Cite as *State v. Freeman*, 2018-Ohio-3038.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION  
No. 95608

**STATE OF OHIO**

PLAINTIFF-APPELLEE

vs.

**DEANGELO FREEMAN**

DEFENDANT-APPELLANT

---

**JUDGMENT:**  
APPLICATION DENIED

---

Cuyahoga County Court of Common Pleas  
Case No. CR-09-527332-A  
Application for Reopening  
Motion No. 517171

**RELEASE DATE:** July 31, 2018

**FOR APPELLANT**

DeAngelo Freeman, pro se  
Inmate No. 590887  
Northeast Ohio Correctional Center  
2240 Hubbard Road  
Youngstown, Ohio 44505

**ATTORNEYS FOR APPELLEE**

Michael C. O'Malley  
Cuyahoga County Prosecutor  
By: Anthony T. Miranda  
Assistant County Prosecutor  
8th Floor Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

PATRICIA ANN BLACKMON, J.:

{¶1} DeAngelo Freeman has filed an application for reopening pursuant to App.R. 26(B).

Freeman is attempting to reopen the appellate judgment rendered in *State v. Freeman*, 8th Dist. Cuyahoga No. 95608, 2011-Ohio-5651, that affirmed his conviction and sentence for the offenses of trafficking and possession of methamphetamines with schoolyard, firearm, and forfeiture specifications; manufacturing, cultivating, trafficking, and possession of marijuana; having a weapon while under disability; carrying a concealed weapon; and possessing criminal tools. We decline to reopen Freeman’s appeal.

{¶2} App.R. 26(B)(2)(b) requires that Freeman establish “a showing of good cause for untimely filing if the application is filed more than 90 days after journalization of the appellate judgment” that is subject to reopening. The Supreme Court of Ohio, with regard to the 90-day deadline provided by App.R. 26(B)(2)(b), has established that:

[W]e now reject [the applicant’s] claims that those excuses gave good cause to miss the 90-day deadline in App.R. 26(B). \* \* \* Consistent enforcement of the rule’s deadline by the appellate courts in Ohio protects on the one hand the state’s legitimate interest in the finality of its judgments and ensures on the other hand that any claims of ineffective assistance of appellate counsel are promptly examined and resolved.

Ohio and other states “may erect reasonable procedural requirements for triggering the right to an adjudication,” *Logan v. Zimmerman Brush Co.* (1982), 455 U.S. 422, 437, 102 S.Ct. 1148, 71 L.Ed.2d 265, and that is what Ohio has done by creating a 90-day deadline for the filing of applications to reopen. \* \* \* *The 90-day requirement in the rule is “applicable to all appellants,” State v. Winstead* (1996), 74 Ohio St.3d 277, 278, 658 N.E.2d 722, and [the applicant] offers no sound reason why he — unlike so many other Ohio criminal defendants — could not comply with that fundamental aspect of the rule.

(Emphasis added.) *State v. Gumm*, 103 Ohio St.3d 162, 2004-Ohio-4755, 814 N.E.2d 861, ¶ 7.

*See also State v. Lamar*, 102 Ohio St.3d 467, 2004-Ohio-3976, 812 N.E.2d 970; *State v. Cooley*,

73 Ohio St.3d 411, 653 N.E.2d 252 (1995); *State v. Reddick*, 72 Ohio St.3d 88, 647 N.E.2d 784 (1995).

{¶3} Herein, Freeman is attempting to reopen the appellate judgment that was journalized on November 3, 2011. The application for reopening was not filed until April 27, 2018, more than 90 days after journalization of the appellate judgment in *Freeman, supra*. Freeman has failed to argue any showing of good cause for the untimely filing of his application for reopening. *State v. McCrimon*, 8th Dist. Cuyahoga No. 87617, 2017-Ohio-5742; *State v. Battiste*, 8th Dist. Cuyahoga No. 102299, 2017-Ohio-8300; *State v. Hammond*, 8th Dist. Cuyahoga No. 100656, 2016-Ohio-8300.

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

PATRICIA ANN BLACKMON, JUDGE

EILEEN A. GALLAGHER, A.J., and  
SEAN C. GALLAGHER, J., CONCUR