

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

[Cite as *State v. Campbell* (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 failing to file within ninety days after journalization of the court of appeals' decision affirming the conviction, as required by App.R. 26(B). (No. 96-507 -- Submitted June 25, 1996 -- Decided August 7, 1996.)

Appeal from the Court of Appeals for Hamilton County, No. C-820968.

Appellant, Robert Campbell, was convicted of felonious assault for throwing a tire jack at the victim. Upon appeal, the conviction was affirmed. *State v. Campbell* (Oct. 26, 1983), Hamilton App. No. C-820968, unreported.

In December 1995, appellant filed an application for reopening before the court of appeals pursuant to App. R. 26(B), alleging ineffective assistance of appellate counsel. The court of appeals denied the application as untimely without good cause shown as required by App. R. 26(B)(2)(b).

This appeal followed.

Joseph T. Deters, Hamilton County Prosecuting Attorney, and *Ronald*

W. Springman, Jr., Assistant Prosecuting Attorney, for appellee.

H. Fred Hoefle, for appellant.

Per Curiam. We affirm the judgment of the court of appeals for the reasons stated in its judgment entry.

Judgment affirmed.

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