

1 The State of Ohio, Appellee, v. Simpson, Appellant.

2 [Cite as *State v. Simpson* (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 show good cause for failure to file the motion*
7 *within ninety days from journalization of the court of appeals'*
8 *decision affirming the conviction, as required by App.R.*
9 *26(B)(2)(b).*

10 (No. 96-587 -- Submitted May 21, 1996 -- Decided July 24, 1996.)

11 APPEAL from the Court of Appeals for Hamilton County, No. C-

12 941049.

13 On November 30, 1994, appellant, Marcus Simpson, was convicted of
14 aggravated trafficking, and was sentenced to a term of imprisonment. Upon
15 appeal, the conviction was affirmed. *State v. Simpson* (Sept. 22, 1995),
16 Hamilton App. No. C-941049, unreported. Appellant's appeal to this court
17 was dismissed. *State v. Simpson* (1996), 74 Ohio St.3d 1499, 659 N.E.2d
18 314.

19 In December 1995, appellant filed an application for reopening before
20 the court of appeals pursuant to App.R. 26(B), alleging ineffective

1 assistance of appellate counsel. The court of appeals denied the motion as
2 untimely without good cause shown as required by App.R. 26(B)(2)(b).

3 This appeal followed.

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

5 *Christian J. Schaefer*, Assistant Prosecuting Attorney, for appellee.

6 *Marcus Simpson*, *pro se*.

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

9 *Judgment affirmed.*

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

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