

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,

Plaintiff-Appellee,

v.

WILLIAM H. REDWINE, JR.

Defendant-Appellant.

Case No. \_\_\_\_\_

**08-2015**

On Appeal from the Brown  
County Court of Appeals,  
Twelfth Appellate District

Court of Appeals No.  
CA 2006-08-011

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NOTICE OF APPEAL OF APPELLANT WILLIAM H. REDWINE, JR.

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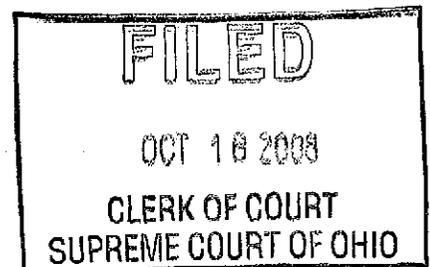
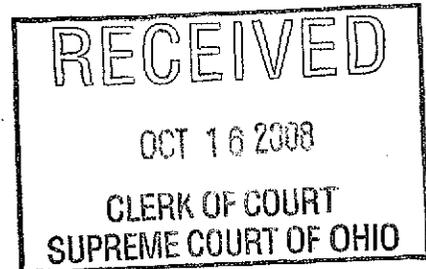
WILLIAM H. REDWINE, JR. #528-696  
London Correctional Institution  
1580 St. Rt. 56 N.E., P.O. Box 69  
London, Ohio 43140  
(740) 852-2454

DEFENDANT-APPELLANT, PRO SE

THOMAS F. GENNAN (#0026008)  
Brown County Prosecuting Attorney

MARY McMULLEN (#0066589)  
Assistant Prosecuting Attorney  
Brown County Prosecutor's Office  
Georgetown, Ohio 45121  
(937) 378-4151

COUNSEL FOR PLAINTIFF-APPELLEE

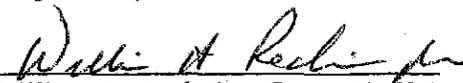


Notice of Appeal of Appellant William H. Redwine, Jr.

Appellant William H. Redwine, Jr., hereby gives notice of appeal to the Supreme Court of Ohio from the judgment of the Brown County Court of Appeals, Twelfth Appellate District, entered in Court of Appeals Case No. CA2006-08-011 on September 04, 2008.

This case raises a substantial constitutional question and is one of public or great general interest and involves a felony.

Respectfully submitted,

  
William H. Redwine, Jr. #528-696  
London Correctional Institution  
P.O. Box 69  
London, Ohio 43140

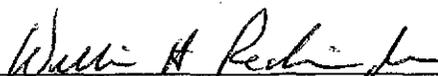
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on a copy of the foregoing Notice of Appeal of Appellant William H. Redwine, Jr., was sent via regular U.S. Mail, on this 14<sup>th</sup> day of October, 2008, to:

THOMAS F. GRENNAN (#0026008)  
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State of Ohio

  
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IN THE COURT OF APPEALS FOR BROWN COUNTY, OHIO

FILED  
COURT OF APPEALS

STATE OF OHIO, SEP 04 2008

Appellee, TINA M. MERANDA : CASE NO. CA2006-08-011  
BROWN COUNTY CLERK OF COURTS

- vs -

WILLIAM H. REDWINE, JR.,

Appellant.

ENTRY  
DENYING APPLICATION  
FOR REOPENING

This matter came on to be considered upon an application for reopening filed pro se pursuant to App.R. 26(B) by appellant, William H. Redwine, Jr., on July 21, 2008, and a memorandum in opposition filed by counsel for appellee, the state of Ohio, on August 20, 2008.

Appellant seeks to reopen his direct appeal in which this court affirmed appellant's conviction and sentence. *State v. Redwine*, Brown App. No. CA2006-08-011, 2007-Ohio-6413, appeal not accepted for review, 117 Ohio St.3d 1478, 2008-Ohio-1841.

App.R. 26(B)(1) requires that an application for reopening be filed "within ninety days from the journalization of the appellate judgment unless the applicant shows good cause for filing at a later time." This court journalized its judgment entry on December 3, 2007. Thus, absent good cause for filing late, appellant's application was due on March 3, 2008.

Appellant attempts to explain his late filing by claiming that his appellate counsel failed to timely advise him of this court's decision and that counsel continued

to represent him in a direct appeal to the Ohio Supreme Court.

It has been determined that, for purposes of App.R. 26, lack of communication with appellate counsel does not amount to good cause. *State v. Alexander*, Cuyahoga App. No. 81529, 2004-Ohio-3861, ¶3 (counsel's failure to advise defendant that supreme court had dismissed appeal did not constitute good cause for late filing under App.R. 26[B]). See, also, *State v. Smith*, Cuyahoga App. No. 79301, 2002-Ohio-6620.

Good cause does not exist for filing an untimely application where an applicant's original appellate counsel were still representing him in collateral litigation. *State v. Keith*, Slip Opinion No. 2008-Ohio-3866, ¶6. See, also, *State v. Gumm*, 103 Ohio St.3d 162, 2004-Ohio-4755; *State v. LaMar*, 102 Ohio St.3d 467, 2004-Ohio-3976.

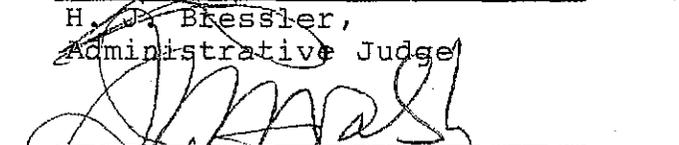
"The 90-day requirement in the rule is 'applicable to all appellants,' *State v. Winstead*, 74 Ohio St.3d 277, 278, [1996-Ohio-52] and [appellant] offers no sound reason why he – unlike so many other Ohio criminal defendants – should not comply with that fundamental aspect of the rule." *State v. Farrow*, 115 Ohio St.3d 205, 2007-Ohio-4792, at ¶6.

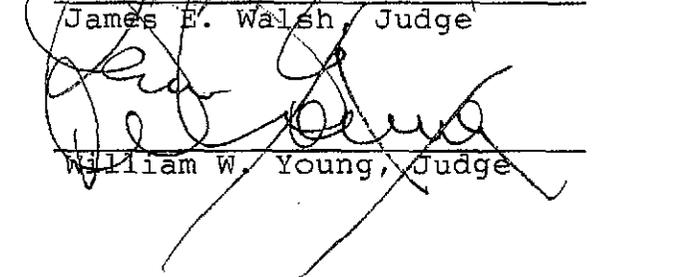
Denial of an application is appropriate absent any showing of good cause for a late filing. See *State v. Mason*, 90 Ohio St.3d 66, 2000-Ohio-14. See, also, *State v. Hancock*, 108 Ohio St.3d 194, 2006-Ohio-658. Appellant's application contains no explanation of good cause for the untimely filing.

Upon due consideration of the foregoing, and it appearing to the court that appellant has failed to show good cause as to why his application was not filed in a timely manner, appellant's application for reopening is hereby DENIED. Costs taxed to appellant.

IT IS SO ORDERED.

  
\_\_\_\_\_  
H. J. Bressler,  
Administrative Judge

  
\_\_\_\_\_  
James E. Walsh, Judge

  
\_\_\_\_\_  
William W. Young, Judge

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**NOTICE TO THE CLERK:**

**SERVE A COPY OF THIS ENTRY DIRECTLY ON APPELLANT**  
**AT THE FOLLOWING ADDRESS:**

William H. Redwine, Jr.  
Inmate #A528-696  
London Correctional Institution  
P.O. Box 69  
London, OH 43140

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