

IN THE SUPREME COURT OF OHIO

10-2204

STATE OF OHIO, : S.CT. CASE NO. _____
 PLAINTIFF/APPELLEE, : CASE APP. NO. 2008CA0051
 vs. : CASE TRL. NO. 2007 CR 1021
 WILLIAM R. ELSON, : ON APPEAL TO THE SUPREME COURT
 OF OHIO, FROM THE COURT OF
 DEFENDANT/APPELLANT. : APPEALS OF RICHLAND COUNTY,
 FIFTH APPELLATE DISTRICT OF OHIO

RECEIVED
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 SUPREME COURT OF OHIO

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NOTICE OF APPEAL

* * * * *

Now comes the Defendant/Appellant, William R. Elson, acting in pro se, who respectfully comes before the Supreme Court of Ohio, on a Notice of Appeal, and Memorandum In Support of Jurisdiction. Appellant submits Notice of Appeal to the Ohio Supreme Court, for purposes of appealing the Court of Appeals decision, which denied his Application for Reconsideration, which Appellant filed with the Fifth District Court of Appeals, Richland County, Ohio. The entry made by the Court of Appeals was rendered on November 30th, 2010. (See: Entry Attached). Appellant Appeals the Decision of the Court of Appeals rendered on the above date, which DENIED his Application for Reopening. Appellant states that this a claimed appeal, as of right, based on grounds that it raises a substantial Constitutional Question; as well as a discretionary appeal, as it pertains to a felony conviction.

FILED
 DEC 17 2010
 CLERK OF COURT
 SUPREME COURT OF OHIO

(2)

WHEREFORE, Appellant submits Notice of Appeal to the Ohio supreme Court, and prays for Judgment which GRANTS Appellant's request, accepting "jurisdiction" to hear this appeal.

Very Respectfully Submitted,



William R. Elson, #544-160, pro se
Pickaway Correctional Institution
P.O. BOX 209
Orient, Ohio 43146

CERTIFICATE OF SERVICE

This is hereby to verify that a true exact photo copy of the Forgoing Notice of Appeal, has hereby been sent to the Richland County Prosecuting Attorney, at: 38 South Park Street, Mansfield, Ohio 44902, on the 15th day of December, 2010, By: regular U.S. Mail, postage preaffixed.



William R. Elson, #544-160, pro se
Pickaway Correctional Institution
P.O. BOX 209
Orient, Ohio 43146

IN THE COURT OF APPEALS FOR RICHLAND COUNTY, OHIO
FIFTH APPELLATE DISTRICT

COURT OF APPEALS
RICHLAND COUNTY OHIO
FILED

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LINDA H. FRARY
CLERK

STATE OF OHIO

Plaintiff-Appellee

-vs-

WILLIAM R. ELSON

Defendant-Appellant

JUDGMENT ENTRY

CASE NO. 2008CA0051

This matter is before this court upon appellant's application for reopening pursuant to App.R. 26(B). Pursuant to App.R. 26(B), an application for reopening shall be filed "within ninety days from journalization of the appellate judgment unless the applicant shows good cause for filing at a later time." The appellate judgment herein was filed on March 26, 2009. Appellant filed his motion on September 1, 2010, outside the ninety day time period.

Appellant argues his appellate counsel failed to inform him of this court's decision therefore, he was unable to timely file his motion for reopening. However, in his motion, appellant explains he first learned of the decision in January 2010 when a fellow inmate found it on Westlaw. Appellant then sent a letter to the Clerk of Courts and received a copy of the decision on March 22, 2010.

Appellant first learned of the decision in January of 2010 and received a copy of it on March 22, 2010. Even going with the latter date, appellant's motion for reopening is untimely pursuant to App.R. 26(B).

Upon review, we find no showing of good cause for the late filing. App.R. 26(B)(2)(b).

Appellant's application for reopening of appeal is denied.

Henry J. Turner

Julie A. Edwards

Patricia A. Helms

JUDGES