

[Cite as *State v. Bartoe*, 2012-Ohio-154.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

---

JOURNAL ENTRY AND OPINION  
No. 95286

---

**STATE OF OHIO**

PLAINTIFF-APPELLEE

vs.

**JACOB BARTOE**

DEFENDANT-APPELLANT

---

**JUDGMENT:  
APPLICATION DENIED**

---

Cuyahoga County Common Pleas Court  
Case No. CR-529964  
Application for Reopening  
Motion No. 446562

**RELEASE DATE:** January 17, 2012

## FOR APPELLANT

Jacob Bartoe  
Inmate No. 584382  
North Central Correctional Inst.  
P. O. Box 1812  
Marion, Ohio 43302

## ATTORNEYS FOR APPELLEE

William D. Mason  
Cuyahoga County Prosecutor

By: Daniel T. Van  
Justice Center, 8<sup>th</sup> Fl.  
1200 Ontario Street  
Cleveland, OH 44113

MARY EILEEN KILBANE, P.J.:

{¶ 1} In *State v. Bartoe*, Cuyahoga County Court of Common Pleas Case No. CR-529964, applicant, Jacob Bartoe, was convicted of two counts of aggravated robbery and two counts of kidnapping, each with firearm and forfeiture specifications. For the purpose of sentencing, the state elected to go forward on one count of aggravated robbery. This court affirmed that judgment in *State v. Bartoe*, 8<sup>th</sup> Dist. No. 95286, 2011-Ohio-2521.

{¶ 2} Although Bartoe argues that there is good cause for the untimely filing of his application, he has filed with the clerk of this court a *timely* application for reopening. We deny the application for reopening. As required by App.R. 26(B)(6), the reasons for our denial follow.

{¶ 3} Bartoe's application does not contain "[o]ne or more assignments

of error or arguments in support of assignments of error that previously were not considered on the merits in the case by any appellate court or that were considered on an incomplete record because of appellate counsel's deficient representation" as required by App.R. 26(B)(2)(c). It is well established that the failure to state assignments of error is a sufficient ground for denying an application for reopening. *See, e.g., State v. Fryerson*, 8<sup>th</sup> Dist. No. 91960, 2009-Ohio-4227, reopening disallowed, 2010-Ohio-1852, ¶ 8.

{¶ 4} Additionally, Bartoe did not support his application with a sworn statement as required by App.R. 26(B)(2)(d). The failure to support an application for reopening with a sworn statement is a ground for denying the application. *See, e.g., State v. Thomas*, 8<sup>th</sup> Dist. No. 94042, 2010-Ohio-5237, reopening disallowed, 2011-Ohio-6070.

{¶ 5} As a consequence, Bartoe has not met the standard for reopening. Accordingly, the application for reopening is denied.

MARY EILEEN KILBANE, PRESIDING JUDGE

PATRICIA A. BLACKMON, A.J., AND  
EILEEN A. GALLAGHER, J., CONCUR