

IN THE COURT OF APPEALS OF OHIO

SEVENTH APPELLATE DISTRICT
MAHONING COUNTY

STATE OF OHIO,

Plaintiff-Appellee,

v.

NATHANIEL DUMAS,

Defendant-Appellant.

OPINION AND JUDGMENT ENTRY
Case No. 12 MA 0031

Delayed Applications for Reopening

BEFORE:

Cheryl L. Waite, Carol Ann Robb, Mark A. Hanni, Judges.

JUDGMENT:

Denied.

Atty. Gina DeGenova, Mahoning County Prosecutor and *Atty. Edward A. Czopur*, for
Plaintiff-Appellee

Nathaniel Dumas, *Pro se*, Defendant-Appellant.

Dated: June 3, 2024

PER CURIAM.

{¶1} On October 10, 2023, Appellant Nathaniel Dumas filed a delayed application for reopening in Mahoning County Court of Common Pleas Case No. 11 CR 429, pursuant to App.R. 26(B). On January 12, 2024, Appellant refiled, almost verbatim, the same delayed motion for reopening. Appellant was convicted of and sentenced for felony murder, aggravated robbery, and possession of a firearm while under a disability, along with corresponding firearm specifications. He was sentenced to twenty-eight years to life in prison. The judgment was affirmed on direct appeal. *State v. Dumas*, 7th Dist. Mahoning No. 12 MA 31, 2015-Ohio-2683. In Appellant's application for reopening he asserts he received ineffective assistance of counsel in his direct appeal.

{¶2} This is Appellant's third application for reopening. In our prior opinion involving his first application for reopening, we determined that Appellant's counsel in his direct appeal was not ineffective. *State v. Dumas*, 7th Dist. Mahoning No. 12 MA 0031, 2016-Ohio-4799, at ¶ 13. We overruled his second application for reopening based on *res judicata*, explaining that we had already determined Appellant's direct appeal counsel was not ineffective. See *State v. Dumas*, 7th Dist. Mahoning No. 12 MA 0031, 2023-Ohio-270, ¶ 2. "[T]here is no right to file successive applications for reopening." *State v. Williams*, 99 Ohio St.3d 179, 2003-Ohio-3079, 790 N.E.2d 299, ¶ 12. "Once ineffective assistance of counsel has been raised and adjudicated, *res judicata* bars its relitigation." *State v. Cheren*, 73 Ohio St.3d 137, 138, 652 N.E.2d 707 (1995).

{¶3} Based on the principle of *res judicata*, Appellant's pending delayed applications for reopening are overruled.

JUDGE CHERYL L. WAITE

JUDGE CAROL ANN ROBB

JUDGE MARK A. HANNI

NOTICE TO COUNSEL

This document constitutes a final judgment entry.