

OHIO COURT OF APPEALS, SEVENTH APPELLATE DISTRICT, MAHONING COUNTY

State v. Smith

2026-Ohio-2147 · No. 25 MA 0110 · Decided June 5, 2026

SUMMARY

The Seventh District Court of Appeals of Ohio denied Sammie Smith, Jr.’s application for reconsideration under Ohio Appellate Rule 26(A). The court held that the application was untimely, that Smith had not established extraordinary circumstances, and that he had not identified an obvious error or overlooked issue in the court’s prior decision affirming dismissal of his untimely post-conviction petition. The prior petition concerned alleged Brady violations and access to a laboratory standard operating procedure file.

CASE DETAILS

COURT	Ohio Court of Appeals, Seventh Appellate District, Mahoning County
WRITING FOR THE COURT	Katelyn Dickey; Cheryl L. Waite; Mark A. Hanni
JURISDICTION	Ohio Court of Appeals, Seventh Appellate District, Mahoning County
DECIDED	June 5, 2026
DOCKET	25 MA 0110
DISPOSITION	other
PROCEDURAL POSTURE	Defendant-Appellant sought reconsideration under Ohio Appellate Rule 26(A) of the court's prior decision affirming dismissal without a hearing of his untimely third petition for postconviction relief. The application was denied.
STANDARD OF REVIEW	Under App.R. 26(A), reconsideration is appropriate when the application identifies an obvious error in the appellate decision or raises an issue that was not considered, or was not fully considered, when it should have been. A delayed application requires extraordinary circumstances under App.R. 14(B).
PRECEDENTIAL VALUE	Published
PARTIES	Sammie Smith, Jr. v. State of Ohio

TOPICS

appellate procedure

state post-conviction relief

post-conviction relief

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Smith's delayed application for reconsideration should be accepted because extraordinary circumstances excused his failure to comply with App.R. 26(A)(1)(a)'s ten-day filing deadline.
2. Whether Smith demonstrated an obvious error, an overlooked issue, or an unsupportable legal decision warranting reconsideration under App.R. 26(A).

HOLDINGS

1. A delayed application for reconsideration under App.R. 26(A) may proceed only when the moving party establishes extraordinary circumstances excusing the untimely filing; Smith failed to establish extraordinary circumstances for filing four days late.
2. Reconsideration is not warranted merely because a party disagrees with the appellate court's reasoning or conclusions; the applicant must identify an obvious error or an issue that was not adequately considered, and Smith made no such showing.

KEY QUOTATIONS

“The test generally applied is whether the motion for reconsideration calls to the attention of the court an obvious error in its decision or raises an issue for our consideration that was either not at all or was not fully considered by us when it should have been.” (¶ 5)

“App.R. 26(A) is meant to provide a mechanism by which a party may prevent a miscarriage of justice that could arise when an appellate court makes an obvious error or renders a decision that is not supported by the law.” (¶ 9)

FACTUAL BACKGROUND

Smith filed a pro se application for reconsideration on May 12, 2026, challenging the Seventh District's April 28, 2026 decision affirming dismissal of his third postconviction petition. The application was due May 8, 2026, because the court clerk mailed the judgment and recorded the deliveries on April 28. Smith argued that the prior decision improperly rejected claims concerning alleged Brady violations and a laboratory standard operating procedure file, but the court found that the file had been made available for inspection before trial and that Smith showed neither extraordinary circumstances nor an obvious legal error.

PROCEDURAL HISTORY

The Mahoning County Court of Common Pleas dismissed without a hearing Smith's untimely third pro se postconviction petition, styled as a motion for leave to file a motion for a new trial. In a prior appeal, the Seventh District affirmed, concluding that the petition was untimely, no statutory exception was shown, the claims were

barred by res judicata, and the petition lacked substantive grounds. Smith filed an application for reconsideration four days beyond the ten-day deadline, and the appellate court denied it.

DISPOSITION

other

CASES CITED

- State v. Smith, 2026-Ohio-1531 (7th Dist.)
- Matthews v. Matthews, 5 Ohio App.3d 140, 143, 450 N.E.2d 278 (10th Dist. 1981)
- State v. Owens, 112 Ohio App.3d 334, 336, 678 N.E.2d 956 (11th Dist. 1996)
- D.G. v. M.G.G., 2019-Ohio-1190, ¶ 2 (7th Dist.)
- Brady v. Maryland, 373 U.S. 83 (1963)
- State v. Perry, 10 Ohio St.2d 175, 180-181 (1967)