

THE STATE OF OHIO, APPELLEE, v. PORTER, APPELLANT.

[Cite as *State v. Porter*, 1994-Ohio-49.]

Appellate procedure—App.R. 26(B)—Application for reopening appeal from judgment of conviction based on claim of ineffective assistance of appellate counsel—Application denied when motion is untimely and fails to establish good cause for the untimeliness.

(No. 94-865—Submitted August 17, 1994—Decided November 9, 1994.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 57251.

{¶ 1} Appellant, Paul Porter, was apparently convicted of one count of aggravated drug trafficking, one count of possessing criminal tools, and one count of drug abuse. He appealed, and the Court of Appeals for Cuyahoga County affirmed the conviction. In 1993, he applied to the court of appeals under App. R. 26(B) to reopen the appeal from the judgment of conviction, alleging ineffective assistance of appellate counsel. The court of appeals denied the application on the basis that appellant's motion was untimely and failed to establish good cause for the untimeliness. Appellant appeals the denial to this court.

Paul Porter, pro se.

Per Curiam.

{¶ 2} The decision of the court of appeals is affirmed for the reasons stated by the court of appeals.

Judgment affirmed.

MOYER, C.J., A.W. SWEENEY, DOUGLAS, RESNICK, F.E. SWEENEY and
PFEIFER, JJ., concur.

SUPREME COURT OF OHIO

WRIGHT, J., dissents.
