

**THE STATE OF OHIO, APPELLEE, v. LUNA, APPELLANT.**

**[Cite as *State v. Luna*, 1996-Ohio-4.]**

*Appellate procedure—Application for reopening appeal from judgment and conviction based on claim of ineffective assistance of appellate counsel—Application denied when applicant fails to show good cause for failure to file the motion within ninety days from journalization of the court of appeals’ decision affirming the conviction, as required by App.R. 26(B).*

(No. 95-2288--Submitted February 6, 1996--Decided March 5, 1996.)

APPEAL from the Court of Appeals for Huron County, No. H-93-24.

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{¶ 1} Appellant, Michael K. Luna, was convicted of possession of marijuana in 1993. The offense was elevated to a second-degree felony based on appellant’s prior conviction of a drug-abuse offense. Upon appeal, the conviction was affirmed. *State v. Luna* (Sept. 2, 1994), Huron App. No. H-93-24, unreported, 1994 WL 476031.

{¶ 2} On September 28, 1995, appellant filed with the court of appeals a “motion for reopening direct appeal pursuant to App.R. 26(B).” The court of appeals denied the motion as untimely without good cause shown. This appeal followed.

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*Michael K. Luna, pro se.*

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***Per Curiam.***

{¶ 3} We affirm the decision of the court of appeals for the reason stated in its judgment entry.

*Judgment affirmed.*

SUPREME COURT OF OHIO

MOYER, C.J., DOUGLAS, WRIGHT, RESNICK, F.E. SWEENEY, PFEIFER and  
COOK, JJ., concur.