

OPINIONS OF THE SUPREME COURT OF OHIO

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The State of Ohio, Appellee, v. Durr, Appellant.

[Cite as State v. Durr (1994), Ohio St. 3d .]

Appellate procedure -- Application for reopening appeal from judgment and conviction based on claim of ineffective assistance of appellate counsel -- Application denied when no colorable claim of ineffective assistance of counsel is found.

(No. 94-1820 -- Submitted October 24, 1994 -- Decided December 30, 1994.)

Appeal from the Court of Appeals for Cuyahoga County, No. 57140.

Appellant, Darryl Durr, was convicted of one count of aggravated murder with specifications that the murder was committed while the appellant was committing, attempting to commit, or fleeing after committing, aggravated robbery, rape, and kidnapping, and of kidnapping, aggravated robbery, and rape, each with a violence specification. He was sentenced to death. The court of appeals affirmed the convictions. State v. Durr (Dec. 7, 1989), Cuyahoga App. No. 57140, unreported. We also affirmed the convictions. State v. Durr (1991), 58 Ohio St.3d 86, 568 N.E.2d 674.

On June 30, 1993, appellant filed with the court of appeals an application pursuant to State v. Murnahan (1992), 63 Ohio St. 3d 60, 584 N.E. 2d 1204, for delayed reconsideration, alleging ineffective assistance of counsel for failure to raise thirty-five issues on direct appeal. The court of appeals examined each issue, found no colorable claim of ineffective assistance of counsel, and denied the application. Appellant now appeals that decision to this court.

Stephanie Tubbs Jones, Cuyahoga County Prosecuting Attorney, and Carmen M. Marino, Assistant Prosecuting Attorney, for appellee.

David H. Bodiker, Ohio Public Defender, William S. Lazarow and Randy D. Ashburn, for appellant.

Per Curiam. The decision of the court of appeals is affirmed for the reasons stated in its opinion.

Judgment accordingly.

Moyer, C.J., A.W. Sweeney, Douglas, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

Wright, J., dissents.