

1 The State of Ohio, Appellee, v. Clark, Appellant.

2 [Cite as State v. Clark (1996), ____ Ohio St.3d ____.]

3 *Appellate procedure -- Application for reopening appeal from*
4 *judgment and conviction based on claim of ineffective*
5 *assistance of appellate counsel -- Application denied when*
6 *applicant fails to demonstrate a genuine issue as to whether*
7 *appellate counsel provided constitutionally adequate*
8 *representation.*

9 (No. 95-2332--Submitted February 20, 1996--Decided April 10,
10 1996.)

11 APPEAL from the Court of Appeals for Cuyahoga County, No. 65805.

12 Appellant was convicted of murder with a gun specification and
13 sentenced to a term of imprisonment of fifteen years to life, consecutive
14 with three years on the gun specification. The court of appeals affirmed the
15 conviction and sentence. *State v. Clark* (1995), 101 Ohio App.3d 389, 655
16 N.E.2d 795, appeal dismissed, 72 Ohio St.3d 1548, 650 N.E.2d 1367.

17 In May 1995, appellant filed an application to reopen his appeal
18 under App.R. 26(B), alleging ineffective assistance of his appellate counsel.
19 In September 1995, the court of appeals denied his application based, in
20 part, upon appellant's failure "to demonstrate a genuine issue as to whether

1 his appellate counsel provided constitutionally adequate representation.”

2 Appellant appeals the denial to this court.

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4 *Stephanie Tubbs Jones*, Cuyahoga County Prosecuting Attorney, and

5 *Karen L. Johnson*, Assistant Prosecuting Attorney, for appellee.

6 *Lamont Clark*, *pro se*.

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8 *Per Curiam*. We affirm the decision of the court of appeals based

9 upon appellant’s failure to demonstrate a genuine issue as to whether his

10 appellate counsel provided constitutionally adequate representation.

11 *Judgment affirmed.*

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13 MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER and COOK,

14 JJ., concur.

15 WRIGHT, J., not participating.