

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

2 [Cite as *State v. Sabo* (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 *there is no showing that appellate counsel violated any*
7 *essential duties in representing applicant, or that applicant*
8 *was prejudiced by counsel's representation on appeal.*

9 (No. 96-661--Submitted May 21, 1996--Decided July 17, 1996.)

10 APPEAL from the Court of Appeals for Athens County, No. 1273.

11 In March 1985, appellant, Larry Sabo, was convicted of complicity in
12 aggravated murder and complicity in attempted aggravated murder.

13 Appellant was thereafter sentenced to consecutive terms of imprisonment.

14 Upon appeal, the convictions were affirmed. *State v. Sabo* (Sept. 5, 1986),

15 Athens App. No. 1273, unreported. Appellant's appeal to this court was

16 dismissed *sua sponte*. *State v. Sabo* (Mar. 11, 1987), case No. 86-1605.

17 According to the parties, on January 30, 1996, appellant filed an
18 application for reopening before the court of appeals pursuant to App.R.
19 26(B), alleging ineffective assistance of appellate counsel. The court of
20 appeals denied the application, finding that there was no showing that

1 appellate counsel violated any essential duties in representing appellant, or
2 that appellant was prejudiced by appellate counsel's representation on
3 appeal. This appeal followed.

4 *William R. Biddlestone*, Athens County Prosecuting Attorney, and
5 *Birgit Pedersen*, Assistant Prosecuting Attorney, for appellee.

6 *Larry Sabo, pro se.*

7 *Per Curiam.* We affirm the judgment of the court of appeals for the
8 reasons set forth in its decision and judgment entry.

9 *Judgment affirmed.*

10 MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK
11 and STRATTON, JJ., concur.

12