

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

2 [Cite as *State v. Mullins* (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 *issue was reviewed in applicant's direct appeal and found to*  
7 *be without merit.*

8 (No. 96-316--Submitted May 21, 1996--Decided July 24, 1996.)

9 Appeal from the Court of Appeals for Pickaway County, No.

10 89CA27.

11 Appellant, Herbert E. Mullins, was convicted in August 1989 on  
12 charges of felonious assault and carrying a concealed weapon. Appellant  
13 was thereafter sentenced to an indefinite term of imprisonment. Upon  
14 appeal, the convictions were affirmed. *State v. Mullins* (Jan. 9, 1991),  
15 Pickaway App. No. 89CA27, unreported.

16 On September 25, 1995, appellant filed an application for reopening  
17 his appeal before the court of appeals pursuant to App.R. 26(B), alleging  
18 ineffective assistance of appellate counsel. Appellant asserted that appellate  
19 counsel failed to raise specific instances of trial counsel's ineffectiveness.



