- The State of Ohio, Appellee, v. Mullins, Appellant.
 [Cite as State v. Mullins (1996), _____ 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 issue was reviewed in applicant's direct appeal and found to
- 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.

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- 11 Appellant, Herbert E. Mullins, was convicted in August 1989 on
- 12 charges of felonious assault and carrying a concealed weapon. Appellant
- 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.

be without merit.

- 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
- ineffective assistance of appellate counsel. Appellant asserted that appellate
- 19 counsel failed to raise specific instances of trial counsel's ineffectiveness.

- 1 However, the court of appeals denied the application on several grounds,
- 2 including its finding that the issue of ineffective assistance of trial counsel
- 3 was reviewed in appellant's direct appeal and was found to be without
- 4 merit. Therefore, the court of appeals held its prior decision to be *res*
- 5 *judicata* on the issue of ineffective assistance of trial counsel. The court of
- 6 appeals then reviewed the merits of appellant's claim of ineffective
- 7 assistance of appellate counsel, and denied the claim under the tests
- 8 established in Strickland v. Washington (1984), 466 U.S. 668, 104 S.Ct.
- 9 2052, 80 L.Ed.2d 674, and State v. Bradley (1989), 42 Ohio St.3d 136, 538
- 10 N.E.2d 373. Appellant appeals that denial to this court.
- 11 Alan F. Sedlak, Pickaway County Assistant Prosecuting Attorney, for
- 12 appellee.
- 13 Ralph S. Silvestri, Jr., for appellant.
- 14 Per Curiam. We affirm the judgment of the court of appeals for the
- reasons stated in its decision and judgment entry.
- 16 Judgment affirmed.
- MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK
- 18 and STRATTON, JJ., concur.