

OPINIONS OF THE SUPREME COURT OF OHIO

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The State of Ohio, Appellee, v. Hamblin, Appellant.
[Cite as State v. Hamblin (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 appellate counsel stated.

(No. 94-1818--Submitted November 29, 1994 -- Decided December 23, 1994.)

Appeal from the Court of Appeals for Cuyahoga County, No. 49975.

Appellant, David Hamblin, was convicted of aggravated murder with death penalty specifications, aggravated robbery, attempted murder, and having a weapon under disability. He was sentenced to death on the aggravated murder conviction and to periods of incarceration on the other convictions. The court of appeals affirmed the convictions and sentences. We affirmed. State v. Hamblin (1988), 37 Ohio St. 3d 153, 524 N.E. 2d 476. He subsequently filed a motion for delayed reconsideration in the court of appeals pursuant to State v. Murnahan (1992), 63 Ohio St. 3d 60, 584 N.E. 2d 1204, alleging ineffective assistance of appellate counsel for failure to raise twenty-three propositions of law on direct appeal. The court of appeals examined the claims and denied the motion, holding that some failed to state a colorable claim of ineffective assistance of appellate counsel and others had been raised and were therefore res judicata. Appellant appeals from the denial of this motion, again raising the twenty-three issues and also arguing that it is inappropriate to apply the doctrine of res judicata in a Murnahan case.

Stephanie Tubbs Jones, Cuyahoga County Prosecuting Attorney, and Diane Smilanick, Assistant Prosecuting Attorney, for appellee.

David H. Bodiker, Ohio Public Defender, and Kathleen A.

McGarry,
Assistant State Public Defender, for appellant.

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

Judgment affirmed.

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