

THE STATE OF OHIO, APPELLEE, v. TIMMONS, APPELLANT.

[Cite as *State v. Timmons*, 1994-Ohio-52.]

Appellate procedure—App.R. 26(B)—Application for reopening appeal from judgment of conviction based on claim of ineffective assistance of appellate counsel—Application denied when none of the issues raised by appellant demonstrates violations of counsel's essential duties.

(No. 94-1321—Submitted August 17, 1994—Decided November 9, 1994.)

APPEAL from the Court of Appeals for Pickaway County, No. 80 CA 26.

{¶ 1} Appellant, Wayne A. Timmons, alleges he was convicted of complicity to commit aggravated murder and sentenced to life imprisonment in 1980. He appealed, and the court of appeals affirmed the conviction by judgment entry of September 21, 1983. He eventually applied to the court of appeals under App. R. 26(B) to reopen the appeal from the judgment of conviction and sentence, alleging ineffective assistance of appellate counsel. On June 1, 1994, the court of appeals held that none of the issues raised by appellant demonstrated violations of counsel's essential duties or prejudiced appellant's appeal, citing *State v. Nicholas* (1993), 66 Ohio St.3d 431, 613 N.E.2d 225, and denied the application.

{¶ 2} Appellant appeals the denial to this court.

P. Randall Knece, Pickaway County Prosecuting Attorney, for appellee.
Wayne A. Timmons, *pro se*.

Per Curiam.

{¶ 3} The decision of the court of appeals is affirmed for the reasons stated therein.

SUPREME COURT OF OHIO

Judgment affirmed.

MOYER, C.J., A.W. SWEENEY, DOUGLAS, WRIGHT, RESNICK, F.E. SWEENEY
and PFEIFER, JJ., concur.
