

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

[Cite as *State v. Dozanti*, 1994-Ohio-73.]

Appellate procedure—App.R. 26—Application for reopening appeal from judgment and conviction based on claim of ineffective assistance of appellate counsel for counsel's failure to object to admission of certain evidence—Application denied when appellant not prejudiced by admission of the evidence.

(No. 94-1262—Submitted October 23, 1994—Decided December 14, 1994.)

APPEAL from the Court of Appeals for Cuyahoga County, Nos. 61534 and 62190.

{¶ 1} Appellant, Danny Dozanti, was convicted of trafficking in drugs. He appealed, and the court of appeals affirmed the conviction. *State v. Dozanti* (Jan. 14, 1993), Cuyahoga App. No. 61534, 62190, unreported. He applied to the court of appeals to reopen the appeal from the judgment of conviction, pursuant to *State v. Murnahan* (1992), 63 Ohio St.3d 60, 584 N.E. 2d 1204, alleging ineffective assistance of counsel for counsel's failure to object to the admission of evidence concerning ownership of the premises on which the illegal drugs were seized. The court of appeals denied the application on the basis that appellant was not prejudiced by admission of the evidence. Appellant appeals the denial to this court as of right.

Stephanie Tubbs Jones, Cuyahoga County Prosecuting Attorney, and *Laurence R. Snyder*, Assistant Prosecuting Attorney, for appellee.

Synenberg & Marein, Mark B. Marein and John J. Ricotta, for appellant.

SUPREME COURT OF OHIO

Per Curiam.

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

Judgment affirmed.

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

WRIGHT, J., dissents.
