

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

[Cite as *State v Laguta*, 1995-Ohio-12.]

Appellate procedure—Application for reopening appeal from judgment and conviction based on claim of ineffective assistance of trial and appellate counsel—Application denied when issues raised are res judicata.

(No. 94-2411—Submitted February 7, 1995—Decided May 24, 1995.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 63469.

{¶ 1} According to the court of appeals' opinion, appellant, George A. Laguta, was convicted of felonious assault and rape. He appealed, and the court of appeals affirmed the convictions. *State v. Laguta* (Sept. 16, 1993), Cuyahoga App. No. 63469, unreported. He subsequently attempted to reopen that judgment pursuant to App.R. 26 (B), according to the court of appeals, arguing that both his trial and appellate counsel were ineffective. The court of appeals denied the motion to reopen the appeal, holding that the issues appellant raised were res judicata.

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

George A. Laguta, pro se.

Per Curiam.

{¶ 2} The judgment of the court of appeals is affirmed for the reasons stated in its opinion.

Judgment affirmed.

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

SUPREME COURT OF OHIO
