

**THE STATE OF OHIO, APPELLEE, v. BURTON, APPELLANT.**

**[Cite as *State v. Burton*, 1995-Ohio-22.]**

*Appellate procedure—Application for reopening appeal from judgment and conviction based on claim of ineffective assistance of appellate counsel—Application denied when applicant fails to state a colorable claim of ineffective assistance of appellate counsel.*

(No. 94-1648—Submitted April 24, 1995—Decided August 9, 1995.)

APPEAL from the Court of Appeals for Hamilton County, No. C-930174.

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{¶ 1} Appellant, Kevin Burton, was convicted of felonious assault and, according to appellant, sentenced to from five to fifteen years in prison. The court of appeals for Hamilton County affirmed the judgment of the trial court. *State v. Burton* (Dec. 17, 1993), Hamilton App. No. C-930174, unreported.

{¶ 2} On June 17, 1994, the court of appeals denied appellant's application for delayed reconsideration, which the court considered as an application for reopening pursuant to App. R. 26(B). The court of appeals found that appellant had failed to state a colorable claim of ineffective assistance of appellate counsel.

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*Kevin Burton, pro se.*

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***Per Curiam.***

{¶ 3} We affirm the judgment of the court of appeals for the reasons stated in its judgment entry.

*Judgment affirmed.*

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

SUPREME COURT OF OHIO

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