

OPINIONS OF THE SUPREME COURT OF OHIO

The full texts of the opinions of the Supreme Court of Ohio are being transmitted electronically beginning May 27, 1992, pursuant to a pilot project implemented by Chief Justice Thomas J. Moyer.

Please call any errors to the attention of the Reporter's Office of the Supreme Court of Ohio. Attention: Walter S. Kobalka, Reporter, or Deborah J. Barrett, Administrative Assistant. Tel.: (614) 466-4961; in Ohio 1-800-826-9010. Your comments on this pilot project are also welcome.

NOTE: Corrections may be made by the Supreme Court to the full texts of the opinions after they have been released electronically to the public. The reader is therefore advised to check the bound volumes of Ohio St.3d published by West Publishing Company for the final versions of these opinions. The advance sheets to Ohio St.3d will also contain the volume and page numbers where the opinions will be found in the bound volumes of the Ohio Official Reports.

The State of Ohio, Appellee, v. Kish, Appellant.

[Cite as State v. Kish (1995), 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 appellate court finds that applicant failed to establish any prejudice as required by App.R. 26(B)(2)(d).

(No. 94-2222 -- Submitted January 24, 1995 -- Decided March 22, 1995.)

Appeal from the Court of Appeals for Lorain County, No. 93CA005773.

Appellant, Robb V. Kish, was convicted of attempted murder, felonious assault, and aggravated menacing. The Court of Appeals for Lorain County affirmed the convictions. He timely filed an application to reopen his direct appeal pursuant to App.R. 26(B), alleging that his appellate counsel was ineffective by, as summarized by the court of appeals, "(1) failing to show in [appellant's] direct appeal how he was prejudiced by the trial court's denial of his motion to remove his appointed trial counsel; (2) failing to assign as error the denial of due process and a fair trial resulting from the extreme bias and prejudice of the trial judge; and (3) failing to assign as error trial counsel's ineffectiveness based on [at] least nine separate reasons outlined in the application for reopening." The court of appeals examined each claim and held that appellant had failed to establish any prejudice, as required by App.R. 26 (B)(2)(d), and denied the application. Appellant appeals to this court.

Gregory A. White, Lorain County Prosecuting Attorney, and Robert F. Corts, Assistant Prosecuting Attorney, for appellee.
Robb V. Kish, pro se.

Per Curiam. 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 and Pfeifer, JJ., concur.

Cook, J., not participating.