

1 The State of Ohio, Appellee, v. Dehler, Appellant.

2 [Cite as State v. Dehler (1995), \_\_\_\_\_ Ohio St. 3d \_\_\_\_\_.]

3 Appellate procedure -- Application for reopening appeal from judgment and  
4 conviction based on claim of ineffective assistance of appellate  
5 counsel -- Application denied when res judicata bars further litigation  
6 of issues that were raised or could have been raised on direct appeal.

7 (No. 95-474 -- Submitted May 9, 1995 -- Decided August 23, 1995.)

8 Appeal from the Court of Appeals for Cuyahoga County, No. 65716.

9 Appellant, Lambert Dehler, was convicted of five counts of felonious

10 sexual penetration and thirteen counts of gross sexual imposition and

11 sentenced to, *inter alia*, life imprisonment. Appellant's convictions and

12 sentence were affirmed by the Court of Appeals for Cuyahoga County.

13 *State v. Dehler* (July 14, 1994), Cuyahoga App. No. 65716, unreported.

14 This court overruled Dehler's motion for leave to appeal and claimed appeal

15 of right.

16 Dehler filed in the court of appeals a timely application to reopen his

17 appeal under App. R. 26(B), alleging ineffective assistance of his appellate

18 counsel. The court of appeals denied the application, finding that *res*

1     *judicata* bars the further litigation of issues that were raised or could have  
2     been raised on direct appeal. The court of appeals conducted a substantive  
3     review of Dehler’s four proposed assignments of error and found that the  
4     claim of ineffective assistance of appellate counsel was not demonstrated.  
5     The appellate court found that appellate counsel need not raise frivolous  
6     issues which are meritless. Appellant appeals the denial to this court.

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8           *Stephanie Tubbs Jones*, Cuyahoga County Prosecuting Attorney, and  
9           *John W. Monroe*, Assistant Prosecuting Attorney, for appellee.

10           *Lambert Dehler, pro se.*

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12           *Per Curiam.* We affirm the decision of the court of appeals for the  
13 reasons stated in its opinion.

14 *Judgment affirmed.*

15 MOYER, C.J., DOUGLAS, WRIGHT, RESNICK, F.E. SWEENEY, PFEIFER  
16 AND COOK, JJ., CONCUR.

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