

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

[Cite as *State v. White* (1996), ____ 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 no genuine issue whether applicant was prejudiced by any alleged deficient performance of his appellate counsel exists.

(No. 95-1746--Submitted November 7, 1995--Decided January 31, 1996.)

Appeal from the Court of Appeals for Hamilton County, No. C-930711.

Appellant, Carey White, was convicted of aggravated murder with a firearm specification, two counts of aggravated robbery with firearm specifications, and a specification of prior aggravated murder for each of these offenses. He was sentenced to from thirty years to life imprisonment. He appealed, and the court of appeals affirmed the convictions. *State v.*

White (Jan. 18, 1995), Hamilton App. No. C-930711, unreported.

Subsequently, he filed an application for delayed reconsideration under *State v. Murnahan* (1992), 63 Ohio St.3d 60, 584 N.E.2d 1204. The court

of appeals “reviewed appellant’s claims and the record *** [and found] no genuine issue as to whether appellant was prejudiced by any alleged deficient performance by his appellate counsel.” Appellant appeals from this decision.

Joseph T. Deters, Hamilton County Prosecuting Attorney, and *Tina I. Ernst*, Assistant Prosecuting Attorney, for appellee.

Carey White, pro se.

Per Curiam. We cannot tell from the limited record what claims appellant raised in the court of appeals. The gist of the issue raised in this court seems to be that appellate counsel was ineffective for failure to pursue a claim that a witness at trial may have committed perjury because she was offered immunity from prosecution for her testimony. We agree with the court of appeals that this claim is too speculative to raise a genuine issue.

Accordingly, the judgment of the court of appeals is affirmed.

Judgment affirmed.

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