

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

**[Cite as *State v. Johnson*, 1996-Ohio-309.]**

*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 establish a genuine issue as to whether he was deprived of the effective assistance of counsel on appeal, as required by App.R. 26(B)(5).*

(No. 96-576—Submitted July 10, 1996—Decided August 21, 1996.)

APPEAL from the Court of Appeals for Montgomery County, No. 13981.

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{¶ 1} Appellant, Bruce A. Johnson, was convicted of aggravated robbery and five counts of kidnapping, and each charge included a firearm specification. The trial court sentenced Johnson to prison, and the court of appeals affirmed the conviction. *State v. Johnson* (Feb. 10, 1995), Montgomery App. No. 13981, unreported, 1995 WL 51069, appeal not allowed (1995), 74 Ohio St.3d 1408, 655 N.E.2d 186.

{¶ 2} In May 1995, Johnson filed with the court of appeals an application to reopen his appeal under App.R. 26(B), alleging ineffective assistance of appellate counsel. The court of appeals denied Johnson's application to reopen, finding that the state had refuted each of Johnson's claims. Johnson now appeals that denial to this court.

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*Mathias H. Heck, Jr.*, Montgomery County Prosecuting Attorney, and  
*George A. Katchmer, Jr.*, Assistant Prosecuting Attorney, for appellee.

*Bruce A. Johnson, pro se.*

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SUPREME COURT OF OHIO

*Per Curiam.*

{¶ 3} We affirm the judgment of the court of appeals. Appellant has failed to establish “a genuine issue as to whether the applicant was deprived of the effective assistance of counsel on appeal,” as required by App.R. 26(B)(5).

*Judgment affirmed.*

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

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