

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

2 [Cite as *State v. Mullins* (1996), _____ Ohio St.3d _____.]

3 *Appellate procedure -- Application for reopening appeal from*
4 *judgment and conviction based on claim of ineffective*
5 *assistance of appellate counsel -- Application denied when*
6 *issue was reviewed in applicant's direct appeal and found to*
7 *be without merit.*

8 (No. 96-316--Submitted May 21, 1996--Decided July 24, 1996.)

9 Appeal from the Court of Appeals for Pickaway County, No.

10 89CA27.

11 Appellant, Herbert E. Mullins, was convicted in August 1989 on
12 charges of felonious assault and carrying a concealed weapon. Appellant
13 was thereafter sentenced to an indefinite term of imprisonment. Upon
14 appeal, the convictions were affirmed. *State v. Mullins* (Jan. 9, 1991),
15 Pickaway App. No. 89CA27, unreported.

16 On September 25, 1995, appellant filed an application for reopening
17 his appeal before the court of appeals pursuant to App.R. 26(B), alleging
18 ineffective assistance of appellate counsel. Appellant asserted that appellate
19 counsel failed to raise specific instances of trial counsel's ineffectiveness.

