

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

2 [Cite as *State v. Zych* (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 no*  
6 *genuine issue as to whether applicant was deprived of the*  
7 *effective assistance of counsel on appeal is present.*

8 (No. 95-1959--Submitted January 9, 1996--Decided February 21,

9 1996.)

10 Appeal from the Court of Appeals for Clermont County, No. CA92-

11 11-105.

12 Appellant, Jeffrey A. Zych, was convicted of two counts of felonious  
13 assault committed in September 1991 and sentenced to prison. The court of  
14 appeals affirmed the convictions and sentence. *State v. Zych* (Oct. 4, 1993),  
15 Clermont App. No. CA92-11-105, unreported, 1993 WL 390510, appeal  
16 dismissed (1994), 68 Ohio St.3d 1449, 626 N.E.2d 690.

17 In January 1994, the court of appeals received appellant's application  
18 to reopen his appeal under App.R. 26(B), alleging ineffective assistance of  
19 his appellate counsel. By entry, the court of appeals denied the application,

1 finding that “there is no genuine issue as to whether appellant was deprived  
2 of the effective assistance of counsel on appeal[.]”

3 Appellant appeals the denial to this court.

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5 *Donald W. White*, Clermont County Prosecuting Attorney, and *David*  
6 *H. Hoffmann*, Assistant Prosecuting Attorney, for appellee.

7 *Jeffrey A. Zych*, *pro se*.

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9 *Per Curiam*. We affirm the decision of the court of appeals for the  
10 reasons stated in its entry.

11 *Judgment affirmed.*

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

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