

1 THE STATE OF OHIO, APPELLEE, V. STROHACKER, APPELLANT.

2 [Cite as *State v. Strohacker* (1996), ___ Ohio St.3d ____.]

3 *Criminal law -- Operating motor vehicle under the influence of alcohol --*

4 *Evidence -- Chemical test to determine intoxication not rendered*

5 *inadmissible by failure to advise accused of statutory right to another*

6 *test provided by R.C. 4511.19(D)(3).*

7 (No. 96-888 -- Submitted November 12, 1996 -- Decided December

8 11, 1996.)

9 APPEAL from the Court of Appeals for Lorain County, No.

10 95CA006139.

11 _____

12 *Bradley & Giardini Co., L.P.A., and Jack W. Bradley, for appellant.*

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14 The discretionary appeal to this court was allowed only as to

15 "Proposition of Law One," which states:

16 "Failure to advise a defendant of his right to an independent chemical

17 test violates both the defendant's statutory and constitutional rights and

18 must result in a suppression of the test results."

1 The judgment of the court of appeals is affirmed on the authority of
2 *Hilliard v. Elfrink* (1996), ___ Ohio St.3d ___, ___ N.E.2d ___, decided
3 today.

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

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