IN THE COURT OF APPEALS OF LUCAS COUNTY

State of Ohio Court of Appeals No. L-00-1194

Appellant Trial Court No. CR00-1556

v.

Anthony Anderson

DECISION AND JUDGMENT ENTRY

Appellee Decided: November 30, 2000

* * * * *

Julia R. Bates, prosecuting attorney, and Eric Baum, for appellant.

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SHERCK, J.

- $\{\P 1\}$ This is a discretionary appeal from a judgment the Lucas County Court of Common Pleas, for which leave was granted pursuant to R.C. 2945.67(A). Appellee, the state of Ohio, wished to appeal the trial court's finding of not guilty regarding a firearm specification.
- {¶2} R.C. 2945.67(A) provides that the state may appeal as a matter of right: a motion to dismiss all or any part of an indictment, complaint, or information, a motion to suppress evidence, a motion for the return of seized property, or a motion granting postconviction relief. All other appeals are by leave at the discretion of the court of appeals except, of course, that the state may not appeal a final verdict. State v. Matthews (1998), 81 Ohio St.3d 375, 377-378.
 - $\{\P3\}$ In this case, we determined that the underlying "not

guilty" verdict was final and, thus, not appealable and not subject to being reversed. Nevertheless, we initially granted leave to appeal issues involving the firearm specification. Upon further examination of the record, we now conclude that such a decision would be purely advisory and an improper exercise of judicial authority. See In re Collier (1993), 85 Ohio App.3d 232; State v. Varner (1991), 81 Ohio App.3d 85, 86. Consequently, we conclude that this appeal was improvidently granted. See State v. Conti (1989), 57 Ohio App.3d 36; State v. Mills (Apr. 25, 1991), Cuyahoga App. No. 60385, unreported; State v. Damico (May 23, 1990), Hamilton App. No. C-880730, unreported.

 $\{\P4\}$ Accordingly, this appeal is dismissed. Court costs of this appeal are assessed to appellant.

	APPEAL DISMISSED.
James R. Sherck, J.	
	TIDAE
	JUDGE
Richard W. Knepper, P.J.	
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George M. Glasser, J.	JUDGE
<u> </u>	30202
CONCUR.	
	JUDGE

Judge George M. Glasser, retired, sitting by assignment of the

Chief Justice of the Supreme Court of Ohio.