

THE STATE OF OHIO, APPELLEE, v. MERRILL, APPELLANT.

[Cite as *State v. Merrill* (1998), ___ Ohio St.3d ____.]

Court of appeals' judgment affirmed on the authority of State v. Rush.

(No. 98-441 — Submitted August 19, 1998 — Decided September 16, 1998.)

CERTIFIED by the Court of Appeals for Wood County, No. WD-96-044.

Wendell R. Jones, for appellant.

The judgment of the court of appeals is affirmed on the authority of *State v. Rush* (1998), 83 Ohio St.3d 53, 697 N.E.2d 634.

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

RESNICK, J., not participating.