

[Cite as *State v. Carper*, 87 Ohio St.3d 35, 1999-Ohio-235.]

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

[Cite as *State v. Carper* (1999), 87 Ohio St.3d 35.]

Criminal procedure — Involuntary manslaughter — R.C. 2903.04(B), as applied to a minor misdemeanor traffic offense which results in a vehicular homicide, does not violate the Eighth Amendment to the United States Constitution or Section 9, Article I of the Ohio Constitution — Court of appeals' judgment affirmed on authority of State v. Weitbrecht.

(No. 99-927 — Submitted September 15, 1999 — Decided October 13, 1999.)

CERTIFIED by the Court of Appeals for Fayette County, No. CA98-06-009.

William N. Eachus and Jeffrey L. Finley, for appellant.

The judgment of the court of appeals is affirmed on the authority of *State v. Weitbrecht* (1999), 86 Ohio St.3d 368, 715 N.E.2d 167.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, COOK AND LUNDBERG
STRATTON, JJ., CONCUR.

PFEIFER, J., dissents for the reasons stated in his dissenting opinion in *State v. Weitbrecht* (1999), 86 Ohio St.3d 368, 374, 715 N.E.2d 167, 172.