

[Cite as *State v. Saddler*, 90 Ohio St.3d 1222, 2000-Ohio-72.]

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

[Cite as *State v. Saddler* (2000), 90 Ohio St.3d 1222.]

Appeal dismissed as improvidently allowed.

(No. 99-2084 — Submitted September 26, 2000 — Decided November 8, 2000.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 74218.

William D. Mason, Cuyahoga County Prosecuting Attorney, and *Randi Marie Ostry*, Assistant Prosecuting Attorney, for appellant.

James A. Draper, Cuyahoga County Public Defender, and *Darin Thompson*, Assistant Public Defender, for appellee.

The cause is dismissed, *sua sponte*, as having been improvidently allowed.

The court orders that the court of appeals' opinion not be published in the Ohio Official Reports, and that it may not be cited as authority except by the parties *inter se*.

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

RESNICK, J., dissents.

COOK, J., dissents.

ALICE ROBIE RESNICK, J., dissenting. I would reverse the judgment of the court of appeals.