

**THE STATE OF OHIO, APPELLANT, v. COSSIN, APPELLEE.**

[Cite as *State v. Cossin*, 103 Ohio St.3d 1201, 2004-Ohio-5698.]

*Appeal dismissed as improvidently allowed.*

(No. 2003-1646 — Submitted September 14, 2004 — Decided November 10,  
2004.)

APPEAL from the Court of Appeals for Athens County, No. 02CA32, 2003-Ohio-  
4246.

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{¶1} The cause is dismissed, sua sponte, as having been improvidently  
allowed.

MOYER, C.J., RESNICK, F.E. SWEENEY, PFEIFER, LUNDBERG STRATTON,  
O’CONNOR and O’DONNELL, JJ., concur.

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C. David Warren, Athens County Prosecuting Attornet, and Richard L.  
Ross, Chief Assistant Prosecuting Attorney, for appellant.

David H. Bodiker, Ohio Public Defender, and James Foley, Assistant  
Public Defender, for appellee.

William F. Schenck, Greene County Prosecuting Attorney, and Elizabeth  
A. Ellis, Assistant Prosecuting Attorney, urging reversal for amicus curiae Ohio  
Prosecuting Attorneys Association.

Jason A. Macke, urging affirmance for amicus curiae Ohio Association of  
Criminal Defense Lawyers.

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