

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

[Cite as *State v. Blackburn*, 113 Ohio St.3d 170, 2007-Ohio-1381.]

Inmate's request for DNA testing – Court of appeals' judgment affirmed on the authority of State v. Buehler.

(No. 2005-1927 — Submitted March 14, 2007 — Decided April 11, 2007.)

APPEAL from the Court of Appeals for Fairfield County,
No. 05 CA 3, 2005-Ohio-4710.

{¶1} The judgment of the court of appeals is affirmed on the authority of *State v. Buehler*, 113 Ohio St.3d 114, 2007-Ohio-1246, 863 N.E.2d 124.

MOYER, C.J., PFEIFER, LUNDBERG STRATTON, O'CONNOR, O'DONNELL and CUPP, JJ., concur.

LANZINGER, J., dissents for the reasons stated in her dissenting opinion in *State v. Buehler*.

David L. Landefeld, Fairfield County Prosecuting Attorney, and Gregg Marx, Assistant Prosecuting Attorney, for appellee.

David H. Bodiker, Ohio Public Defender, and John A. Bay, Assistant Public Defender, for appellant.
