

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Ginley*, Slip Opinion No. 2011-Ohio-5447.]

NOTICE

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

**[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Ginley*, Slip Opinion No. 2011-Ohio-5447.]**

*Appeal dismissed as improvidently accepted.*

(No. 2010-1925—Submitted October 4, 2011—Decided October 26, 2011.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 95593.

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

O’CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O’DONNELL, LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

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William D. Mason, Cuyahoga County Prosecuting Attorney, and Matthew Meyer, Assistant Prosecuting Attorney, for appellant.

Susan J. Moran, for appellee.

Robert L. Tobik and John T. Martin, urging dismissal or affirmance for amicus curiae, Cuyahoga County Public Defender.

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