

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Fuell*, Slip Opinion No. 2022-Ohio-1607.]

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

SLIP OPINION NO. 2022-OHIO-1607

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

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Appeal dismissed as having been improvidently accepted.

(No. 2021-0794—Submitted April 26, 2022—Decided May 17, 2022.)

APPEAL from the Court of Appeals for Clermont County,

No. CA2020-02-008, 2021-Ohio-1627.

{¶ 1} This cause is dismissed as having been improvidently accepted.

O’CONNOR, C.J., and KENNEDY, FISCHER, DONNELLY, STEWART, and BRUNNER, JJ., concur.

DEWINE, J., dissents and would affirm the judgment of the court of appeals.

Mark J. Tekulve, Clermont County Prosecuting Attorney, and Nick Horton, Assistant Prosecuting Attorney, for appellee.

SUPREME COURT OF OHIO

Timothy Young, Ohio Public Defender, and Timothy B. Hackett and Lauren Hammersmith, Assistant Public Defenders, for appellant, Austin M. Fuell.

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Katherine Mullin and Anthony T. Miranda, Assistant Prosecuting Attorneys, urging affirmance for amicus curiae Ohio Prosecuting Attorneys Association.

Juvenile Law Center and Marsha L. Levick; Children's Law Center and Leah R. Winsberg; Yeura Venters, Franklin County Public Defender, and Timothy E. Pierce, Assistant Public Defender; Raymond T. Faller, Hamilton County Public Defender, and Jessica Moss and Joshua Thompson, Assistant Public Defenders; Cullen Sweeney, Cuyahoga County Public Defender, and Erika B. Cunliffe, Assistant Public Defender; and Theresa Haire, Montgomery County Public Defender, and Kay Locke, Assistant Public Defender, urging reversal for amici curiae Juvenile Law Center, Children's Law Center, Franklin County Public Defender, Hamilton County Public Defender, Cuyahoga County Public Defender, and Montgomery County Public Defender.

Kristina Kersey and Amanda J. Powell, urging reversal for amicus curiae National Juvenile Defender Center.
