

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

**[Cite as *State v. Serna*, 163 Ohio St.3d 206, 2020-Ohio-6930.]**

*Appeal dismissed as having been improvidently accepted.*

(No. 2019-1594—Submitted December 15, 2020—Decided December 31, 2020.)

APPEAL from the Court of Appeals for Champaign County,  
No. 2018-CA-16, 2019-Ohio-4102.

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

{¶ 2} The court orders that the opinion of the court of appeals may not be cited as authority except by the parties inter se.

O’CONNOR, C.J., and FRENCH, FISCHER, and STEWART, JJ., concur.

DEWINE, J., would not order that the opinion of the court of appeals not be cited.

KENNEDY, J., dissents and would order briefing.

DONNELLY, J., dissents and would reverse the judgment of the court of appeals and remand the cause for application of *State v. Patrick*, \_\_ Ohio St.3d \_\_, 2020-Ohio-6803, \_\_ N.E.3d \_\_.

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Kevin S. Talebi, Champaign County Prosecuting Attorney, and Jane A. Napier, Assistant Prosecuting Attorney, for appellee.

Timothy Young, Ohio Public Defender, and Stephen P. Hardwick and Charlyn Bohland, Assistant Public Defenders, for appellant, Ely Ray Serna.

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