

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

[Cite as *State v. McGlaughlin*, 1995-Ohio-91.]

Witnesses—Criminal law—Trial court may exclude person from appearing as a witness on behalf of a criminal defendant at trial if court determines that witness will not offer any testimony, but merely intends to assert the Fifth Amendment privilege against self-incrimination.

(No. 94-961—Submitted October 11, 1995—Decided November 22, 1995.)

APPEAL from the Court of Appeals for Franklin County, No. 93AP-1109.

Michael Miller, Franklin County Prosecuting Attorney, and *Katherine Press*, Assistant Prosecuting Attorney, for appellant.

Dye & Fleck, *Lewis William Dye* and *William J. Fleck, Jr.*, for appellee.

{¶ 1} The judgment of the court of appeals is reversed, and the judgment of the trial court is reinstated on the authority of *State v. Kirk* (1995), 72 Ohio St.3d 564, 651 N.E.2d 981.

MOYER, C.J., DOUGLAS, WRIGHT, RESNICK, F.E. SWEENEY, PFEIFER and COOK, JJ., concur.
