

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

[Cite as *State v. Strohacker*, 1996-Ohio-334.]

*Criminal law—Operating motor vehicle under the influence of alcohol—
Evidence—Chemical test to determine intoxication not rendered
inadmissible by failure to advise accused of statutory right to another test
provided by R.C. 4511.19(D)(3).*

(No. 96-888—Submitted November 12, 1996—Decided December 11, 1996.)

APPEAL from the Court of Appeals for Lorain County, No. 95CA006139.

Bradley & Giardini Co., L.P.A., and Jack W. Bradley, for appellant.

{¶ 1} The discretionary appeal to this court was allowed only as to
“Proposition of Law One,” which states:

“Failure to advise a defendant of his right to an independent chemical test
violates both the defendant’s statutory and constitutional rights and must result in
a suppression of the test results.”

{¶ 2} The judgment of the court of appeals is affirmed on the authority of
Hilliard v. Elfrink (1996), 77 Ohio St.3d 155, 672 N.E.2d 166, decided today.

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