

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

[Cite as *State v. Mills*, 1998-Ohio-563.]

Court of appeals' judgment affirmed on the authority of State v. Rush.

(No. 97-2290—Submitted August 19, 1998—Decided September 16, 1998.)

CERTIFIED by the Court of Appeals for Wood County, No. WD-97-012.

Alan R. Mayberry, Wood County Prosecuting Attorney, and *Gary D. Bishop*, Chief Assistant Prosecuting Attorney, for appellee.

J. Scott Hicks, Wood County Assistant Public Defender, for appellant.

Betty D. Montgomery, Attorney General, *Jeffrey S. Sutton*, State Solicitor, and *Simon B. Karas*, Deputy Chief Counsel, urging affirmance for *amicus curiae*, state of Ohio.

Maureen O'Connor, Summit County Prosecuting Attorney, and *Paul Michael Maric*, Assistant Prosecuting Attorney, urging affirmance for *amicus curiae*, Ohio Prosecuting Attorneys Association.

{¶ 1} The judgment of the court of appeals is affirmed on the authority of *State v. Rush* (1998), 83 Ohio St.3d 53, 697 N.E.2d 634.

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

RESNICK, J., not participating.
