

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

**[Cite as *State v. Carper*, 1999-Ohio-235.]**

*Criminal procedure—Involuntary manslaughter—R.C. 2903.04(B), as applied to a minor misdemeanor traffic offense which results in a vehicular homicide, does not violate the Eighth Amendment to the United States Constitution or Section 9, Article I of the Ohio Constitution—Court of appeals' judgment affirmed on authority of State v. Weitbrecht.*

(No. 99-927—Submitted September 15, 1999—Decided October 13, 1999.)

CERTIFIED by the Court of Appeals for Fayette County, No. CA98-06-009.

---

*William N. Eachus and Jeffrey L. Finley, for appellant.*

---

{¶ 1} The judgment of the court of appeals is affirmed on the authority of *State v. Weitbrecht* (1999), 86 Ohio St.3d 368, 715 N.E.2d 167.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, COOK AND LUNDBERG STRATTON, JJ., CONCUR.

PFEIFER, J., dissents for the reasons stated in his dissenting opinion in *State v. Weitbrecht* (1999), 86 Ohio St.3d 368, 374, 715 N.E.2d 167, 172.

---