

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

**[Cite as *State v. Smith*, 1999-Ohio-479.]**

*Certification of conflict dismissed for want of a conflict within meaning of S.Ct.Prac.R. IV(2)(B).*

(No. 97-2730—Submitted October 28, 1998—Decided February 10, 1999.)

CERTIFIED by the Court of Appeals for Butler County, No. CA97-01-011.

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*John F. Holcomb*, Butler County Prosecuting Attorney, *Daniel G. Eichel* and *Richard A. Hyde*, Assistant Prosecuting Attorneys, for appellee.

*David H. Bodiker*, Ohio Public Defender, and *Lori J. Rankin*, Assistant State Public Defender, for appellant.

*Keith A. Yeazel*, urging reversal for *amicus curiae*, Ohio Association of Criminal Defense Lawyers.

*William Mason*, Cuyahoga County Prosecuting Attorney, and *Erika Ritt*, Assistant Prosecuting Attorney, urging affirmance for *amicus curiae*, Cuyahoga County Prosecutor's Office.

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{¶ 1} The cause is dismissed for want of a conflict within the meaning of S.Ct.Prac.R. IV(2)(B).

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

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