

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

[Cite as *State v. Posey*, 2000-Ohio-132.]

Appeal dismissed as improvidently allowed.

(No. 99-1581—Submitted May 9, 2000—Decided June 21, 2000.)

APPEAL from the Court of Appeals for Summit County, No. 19266.

Joseph W. Diemert, Jr., Director of Law, and *Frederick W. Andreas*,
Assistant Director of Law, for appellant.

Richard P. Martin Co., L.P.A., and *David C. Perduk*, for appellee.

{¶ 1} The cause is dismissed, *sua sponte*, as having been improvidently
allowed.

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

RESNICK, J., dissents.

ALICE ROBIE RESNICK, J., dissenting.

{¶ 2} This case presents issues that warrant merit review. I would not
dismiss it as improvidently allowed.
