

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

[Cite as *State v. Nutt*, 2000-Ohio-492.]

Criminal law—Court of appeals’ judgment affirmed on other grounds on authority of State ex rel. Bray v. Russell.

(No. 99-1940—Submitted July 25, 2000—Decided August 23, 2000.)

APPEAL from the Court of Appeals for Pickaway County, No. 98-CA-36.

P. Eugene Long II, Pickaway County Prosecuting Attorney, and *Alan F. Sedlak*, Assistant Prosecuting Attorney, for appellant.

David H. Bodiker, Ohio Public Defender, *Jill E. Stone*, *Alison M. Clark* and *Stephen P. Hardwick*, Assistant State Public Defenders, for appellee.

{¶ 1} The judgment of the court of appeals is affirmed on other grounds on the authority of *State ex rel. Bray v. Russell* (2000), 89 Ohio St.3d 132, 729 N.E.2d 359.

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

DOUGLAS, J., dissents.
