

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

[Cite as *State v. Saddler*, 2000-Ohio-72.]

Appeal dismissed as improvidently allowed.

(No. 99-2084—Submitted September 26, 2000—Decided November 8, 2000.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 74218.

William D. Mason, Cuyahoga County Prosecuting Attorney, and *Randi Marie Ostry*, Assistant Prosecuting Attorney, for appellant.

James A. Draper, Cuyahoga County Public Defender, and *Darin Thompson*, Assistant Public Defender, for appellee.

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

{¶ 2} The court orders that the court of appeals' opinion not be published in the Ohio Official Reports, and that it may not be cited as authority except by the parties *inter se*.

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

RESNICK, J., dissents.

COOK, J., dissents.

ALICE ROBIE RESNICK, J., dissenting.

{¶ 3} I would reverse the judgment of the court of appeals.
