

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

**[Cite as *State v. Dzubak*, 2002-Ohio-1496.]**

*Criminal law—Court of appeals’ judgment reversed and cause remanded to apply  
State v. Weideman.*

(No. 01-2057—Submitted February 27, 2002—Decided April 3, 2002.)

CERTIFIED by the Court of Appeals for Geauga County, No. 2000-G-2285.

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{¶ 1} The judgment of the court of appeals is reversed, and the cause is remanded to the court of appeals to apply *State v. Weideman* (2002), 94 Ohio St.3d 501, 764 N.E.2d 997, decided today.

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

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PFEIFER, J., dissents for the reasons stated in his dissenting opinion in *State v. Weideman* (2002), 94 Ohio St.3d 501, 764 N.E.2d 997.

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*James M. Gillette*, Police Prosecutor, for appellant.

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