

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

**[Cite as *State v. Richards*, 99 Ohio St.3d 144, 2003-Ohio-2764.]**

*Court of appeals' judgment affirmed on certified issue on authority of State v.*

*Fisher — Discretionary appeal dismissed as improvidently allowed.*

(Nos. 2003-0047 and 2003-0095 — Submitted May 14, 2003 — Decided June 11, 2003.)

CERTIFIED by and APPEAL from the Court of Appeals for Cuyahoga County, No. 79350, 2002-Ohio-6623.

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{¶1} The judgment of the court of appeals on the certified issue is affirmed on the authority of *State v. Fisher*, 99 Ohio St.3d 127, 2003-Ohio-2761, 789 N.E.2d 222.

{¶2} The discretionary appeal is dismissed, sua sponte, as having been improvidently allowed.

MOYER, C.J., RESNICK, F.E. SWEENEY, PFEIFER, LUNDBERG STRATTON and O'CONNOR, JJ., concur.

COOK, J., not participating.

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William D. Mason, Cuyahoga County Prosecuting Attorney, and Eleanore E. Hilow, Assistant Prosecuting Attorney, for appellee.

Clyde Richards, pro se; Robert L. Tobik, Cuyahoga County Public Defender, and Robert M. Ingersoll, Assistant Public Defender, for appellant.

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