

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

[Cite as *State v. Smith*, 99 Ohio St.3d 140, 2003-Ohio-2769.]

*Court of appeals' judgment affirmed on Proposition of Law No. I on authority of
State v. Fisher — Remaining propositions of law improvidently allowed.*

(Nos. 2002-1093 and 2002-1220 — Submitted May 14, 2003 — Decided June 11,
2003.)

APPEAL from and CERTIFIED by the Court of Appeals for Cuyahoga County, No.
79527, 2002-Ohio-2145.

{¶1} Propositions of Law Nos. II through VI are dismissed, sua sponte,
as having been improvidently allowed.

{¶2} The judgment of the court of appeals is affirmed on Proposition of
Law No. I on the authority of *State v. Fisher*, 99 Ohio St.3d 127, 2003-Ohio-
2761, 789 N.E.2d 222.

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

COOK, J., not participating.

William D. Mason, Cuyahoga County Prosecuting Attorney, and Renee L.
Snow, Assistant Prosecuting Attorney, for appellee.

Robert L. Tobik, Cuyahoga County Public Defender, and John T. Martin,
Assistant Public Defender, for appellant.
