

[Cite as *State v. Smith*, 99 Ohio St.3d 143, 2003-Ohio-2772.]

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

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Court of appeals' judgment affirmed on authority of State v. Fisher.

(Nos. 2002-1582 and 2002-1645 — Submitted May 14, 2003 — Decided June 11,
2003.)

APPEAL from and CERTIFIED by the Court of Appeals for Cuyahoga County, No.
80434, 2002-Ohio-4091.

{¶1} The judgment of the court of appeals on the sole proposition of law, which reflects 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.

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, for appellee.

Robert L. Tobik, Cuyahoga County Public Defender, and Kathy L. Moore, Assistant Public Defender, for appellant.
