

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

[Cite as *State v. Dade*, 100 Ohio St.3d 30, 2003-Ohio-4755.]

Criminal law — R.C. 2935.26 — Issuance of citation for minor misdemeanor — Full custodial arrest for minor misdemeanor offense — Evidence obtained incident to such arrest — Suppression of evidence — Court of appeals’ judgment affirmed on authority of State v. Brown.

(No. 2002-1974 — Submitted August 26, 2003 — Decided September 24, 2003.)

APPEAL from the Court of Appeals for Franklin County, No. 02AP-73, 2002-Ohio-5251.

{¶1} The judgment of the court of appeals is affirmed on the authority of *State v. Brown*, 99 Ohio St.3d 323, 2003-Ohio-3931, 792 N.E.2d 175.

MOYER, C.J., RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.

LUNDBERG STRATTON and O’CONNOR, JJ., dissent.

O’DONNELL, J., not participating.

LUNDBERG STRATTON, J., dissenting.

{¶2} I respectfully dissent for the reasons expressed in Justice O’Connor’s well-reasoned dissent in *State v. Brown*, 99 Ohio St.3d 323, 2003-Ohio-3931, 792 N.E.2d 175, ¶ 26-32.

O’CONNOR, J., concurs in the foregoing dissenting opinion.

Ron O’Brien, Franklin County Prosecuting Attorney, and Steven L. Taylor, Assistant Prosecuting Attorney, for appellant.

Yeura Venters, Franklin County Public Defender, and Allen V. Adair, Assistant Public Defender, for appellee.
