

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

[Cite as *State v. Swanson*, 113 Ohio St.3d 171, 2007-Ohio-1383.]

Inmate's request for DNA testing – Court of appeals' judgment affirmed on the authority of State v. Buehler.

(No. 2005-2230 — Submitted March 14, 2007 — Decided April 11, 2007.)

APPEAL from the Court of Appeals for Ashland County,
No. 05 CA 13, 2005-Ohio-5471.

{¶ 1} The judgment of the court of appeals is affirmed on the authority of *State v. Buehler*, 113 Ohio St.3d 114, 2007-Ohio-1246, 863 N.E.2d 124.

MOYER, C.J., PFEIFER, LUNDBERG STRATTON, O'CONNOR, O'DONNELL and CUPP, JJ., concur.

LANZINGER, J., dissents for the reasons stated in her dissenting opinion in *State v. Buehler*.

Ramona Francesconi Rogers, Ashland County Prosecuting Attorney, and David C. Lai, Assistant Prosecuting Attorney, for appellee.

David H. Bodiker, Ohio Public Defender, Gregory W. Meyers, Senior Assistant Public Defender, and Colin Starger, for appellant.
