

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

**[Cite as *State v. Ayers*, 113 Ohio St.3d 180, 2007-Ohio-1385.]**

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

(No. 2006-0276 — Submitted March 14, 2007 — Decided April 11, 2007.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 86006, 2005-Ohio-6972.

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{¶1} The judgment of the court of appeals is reversed on the authority of *State v. Buehler*, 113 Ohio St.3d 114, 2007-Ohio-1246, 863 N.E.2d 124, and the cause is remanded to the court of appeals for consideration of appellee's remaining assignments of error.

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*.

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William D. Mason, Cuyahoga County Prosecuting Attorney, and Mary H. McGrath, Assistant Prosecuting Attorney, for appellant.

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

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