

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

[Cite as *State v. Roddy*, 120 Ohio St.3d 1208, 2008-Ohio-6101.]

Appeal dismissed as improvidently accepted.

(No. 2007-1640 — Submitted October 8, 2008 — Decided December 2, 2008.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 88759, 2007-Ohio-4015.

{¶ 1} The cause is dismissed, sua sponte, as having been improvidently accepted.

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

William D. Mason, Cuyahoga County Prosecuting Attorney, and Matthew E. Meyer and Michael Graham, Assistant Prosecuting Attorneys, for appellant.

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

Nancy Hardin Rogers, Attorney General, Benjamin C. Mizer, State Solicitor, Kimberly A. Olson, Deputy Solicitor, and Kelly A. Borchers, Assistant Solicitor, urging reversal for amicus curiae Nancy Hardin Rogers, Ohio Attorney General.

Timothy Young, Ohio Public Defender, and Jason A. Macke, Assistant Public Defender, urging affirmance for amicus curiae Ohio Public Defender.
