

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Terrell*, Slip Opinion No. 2018-Ohio-258.]

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

SLIP OPINION NO. 2018-OHIO-258

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

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Terrell*, Slip Opinion No. 2018-Ohio-258.]

Appeal dismissed as having been improvidently accepted.

(No. 2016-1100—Submitted November 21, 2017—Decided January 16, 2018.*)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 103428, 2016-Ohio-4563.

{¶ 1} This cause is dismissed as having been improvidently accepted.

O'DONNELL, KENNEDY, FISCHER, and DEWINE, JJ., concur.

O'CONNOR, C.J., and FRENCH and O'NEILL, JJ., dissent.

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Christopher D. Schroeder, Assistant Prosecuting Attorney, for appellee.

Robert L. Tobik, Cuyahoga County Public Defender, and Erika B. Cunliffe, Assistant Public Defender, for appellant.

*Reporter's Note: This cause was decided on January 16, 2018, but was released to the public on January 30, 2018, subsequent to the resignation of Justice William M. O'Neill, who participated in the decision.

SUPREME COURT OF OHIO
