

[Cite as *State v. Thomas*, 158 Ohio St.3d 375, 2020-Ohio-64.]

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

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Appeal dismissed as having been improvidently accepted.

(No. 2018-0796—Submitted January 8, 2020—Decided January 15, 2020.)

APPEAL from the Court of Appeals for Franklin County,

No. 16AP-852, 2018-Ohio-758.

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

O’CONNOR, C.J., and DEWINE, DONNELLY, and STEWART, JJ., concur.

KENNEDY and FISCHER, JJ., dissent and would order briefing.

FRENCH, J., not participating.

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

Yeura R. Venters, Franklin County Public Defender, and Timothy E. Pierce, Assistant Public Defender, for appellee, Titus Thomas.
