

[Cite as *State v. Battease*, 116 Ohio St.3d 1207, 2007-Ohio-6457.]

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

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*Appeal dismissed as improvidently accepted.*

(No. 2007-0157 — Submitted November 28, 2007 — Decided  
December 11, 2007.)

APPEAL from the Court of Appeals for Hamilton County,  
Nos. C-050837 and C-050838, 2006-Ohio-6617.

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

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

O’DONNELL, J., dissents.

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Joseph T. Deters, Hamilton County Prosecuting Attorney, and Philip R.  
Cummings, Assistant Prosecuting Attorney, for appellant.

Schuh & Goldberg, L.L.P., and Richard J. Goldberg, for appellee.

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