

[Cite as *State v. Ginley*, 130 Ohio St.3d 1214, 2011-Ohio-5447.]

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

[Cite as *State v. Ginley*, 130 Ohio St.3d 1214, 2011-Ohio-5447.]

*Appeal dismissed as improvidently accepted.*

(No. 2010-1925—Submitted October 4, 2011—Decided October 26, 2011.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 95593.

---

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

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

---

William D. Mason, Cuyahoga County Prosecuting Attorney, and Matthew Meyer, Assistant Prosecuting Attorney, for appellant.

Susan J. Moran, for appellee.

Robert L. Tobik and John T. Martin, urging dismissal or affirmance for amicus curiae, Cuyahoga County Public Defender.

---