

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

[Cite as *State v. Barnes*, 159 Ohio St.3d 43, 2020-Ohio-310.]

*Appeal dismissed as having been improvidently accepted.*

(No. 2018-1389—Submitted January 8, 2020—Decided February 4, 2020.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 105964, 2018-Ohio-3273.

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

{¶ 2} The court orders that the opinion of the court of appeals may not be cited as authority except by the parties inter se.

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

KENNEDY and DEWINE, JJ., dissent and would reverse the judgment of the court of appeals.

FRENCH, J., dissents.

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Michael C. O’Malley, Cuyahoga County Prosecuting Attorney, and Daniel T. Van and Frank Romeo Zeleznikar, Assistant Prosecuting Attorneys, for appellant.

Mark A. Stanton, Cuyahoga County Public Defender, and Cullen Sweeney, Assistant Public Defender, for appellee, Basim Barnes.

Anne K. Sweeney and Tom Mlakar; Kathleen C. McGarvey; James M. Daniels; Jennifer van Dulmen; Heather L. Hall; and John E. Schrider Jr., urging affirmance for amici curiae Legal Aid Society of Cleveland, Legal Aid Society of Columbus, Southeastern Ohio Legal Services, Community Legal Aid Services, Inc., Advocates for Basic Legal Equality, Inc., and Legal Aid Society of Southwest Ohio, L.L.C.

SUPREME COURT OF OHIO

Tucker Ellis, L.L.P., Chad M. Eggspuehler, and Jon W. Oebker, urging  
affirmance for amici curiae Ohio State Bar Association, Deborah A. Coleman,  
Susan Martyn, Andrew S. Pollis, and John P. Sahl.

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