

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Gapen*, Slip Opinion No. 2022-Ohio-1328.]

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. 2022-OHIO-1328

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

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Gapen*, Slip Opinion No. 2022-Ohio-1328.]

Appeal dismissed as having been improvidently accepted.

(No. 2021-1336—Submitted April 12, 2022—Decided April 26, 2022.)

APPEAL from the Court of Appeals for Montgomery County,

No. 28808, 2021-Ohio-3252.

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

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

Mathias H. Heck, Montgomery County Prosecuting Attorney, and Andrew T. French, Assistant Prosecuting Attorney, for appellee.

Deborah Williams, Federal Public Defender, and Allen L. Bohnert and Adam M. Rusnak, Assistant Federal Public Defenders, for appellant, Larry Gapen.

SUPREME COURT OF OHIO

