

THE CITY OF CLEVELAND ET AL., APPELLEES, v. RUDOLPH, APPELLANT.

[Cite as *Cleveland v. Rudolph*, 170 Ohio St.3d 85, 2022-Ohio-4682.]

Court of appeals' judgment affirmed on the authority of State v. Brasher.

(No. 2022-1036—Submitted December 23, 2022—Decided December 29, 2022.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 111128, 2022-Ohio-2363.

{¶ 1} The judgment of the court of appeals is affirmed as to proposition of law Nos. I and III on the authority of *State v. Brasher*, ___ Ohio St.3d ___, 2022-Ohio-4703, ___ N.E.3d ___, and proposition of law No. II is dismissed as having been improvidently accepted.

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

KENNEDY, J., concurs in judgment only in part and dissents in part and would not dismiss the cause as to proposition of law No. II.

FISCHER, J., concurs in part and dissents in part and would order briefing on proposition of law Nos. I and III.

Mark Griffin, Cleveland Law Director, and Stephen F. Gorczyca, Assistant Prosecuting Attorney, for appellee city of Cleveland.

Ohio Crime Victim Justice Center and Latina Bailey, for appellee S.W.

Cullen Sweeney, Cuyahoga County Public Defender, and Robert B. McCaleb and Erika B. Cunliffe, Assistant Public Defenders, for appellant, Christopher G. Rudolph.
