

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

[Cite as *State v. Wiley*, 2024-Ohio-1795.]

Appeal dismissed as having been improvidently accepted.

(No. 2022-1114—Submitted April 24, 2024—Decided May 14, 2024.)

APPEAL from the Court of Appeals for Cuyahoga County,
No. 110753, 2022-Ohio-2131.

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

FISCHER, DEWINE, DONNELLY, STEWART, BRUNNER, and DETERS, JJ.,
concur.

KENNEDY, C.J., dissents and would affirm the judgment of the court of
appeals because collateral estoppel does not apply to new trials following
conviction and vacatur.

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Daniel
T. Van and Owen W. Knapp, Assistant Prosecuting Attorneys, for appellee.

Cullen Sweeney, Cuyahoga County Public Defender, and John T. Martin
and Erika Cunliffe, Assistant Public Defenders, for appellant, DaJuan Wiley.

Steven L. Taylor, urging affirmance for amicus curiae, Ohio Prosecuting
Attorneys Association.
