

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Wiley*, Slip Opinion No. 2024-Ohio-1795.]

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. 2024-OHIO-1795

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

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

SUPREME COURT OF OHIO

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.
