

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

[Cite as *State v. Carstaphen*, 2024-Ohio-976.]

Appeal dismissed as having been improvidently accepted.

(No. 2022-1297—Submitted January 6, 2023—Decided March 19, 2024.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 110906, 2022-Ohio-3129.

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

KENNEDY, C.J., and FISCHER, DEWINE, and DETERS, JJ., concur.

DONNELLY, J., dissents and would hold the cause for the decision in 2023-1289, *State v. Smith*.

STEWART and BRUNNER, JJ., dissent and would order the parties to brief the appeal on proposition of law No. I.

Cullen Sweeney, Cuyahoga County Public Defender, and Francis Cavallo, Assistant Public Defender, for appellant, Antonio Carstaphen.
