

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

[Cite as *State v. Peterson*, 120 Ohio St.3d 1208, 2008-Ohio-6104.]

Appeal dismissed as improvidently accepted.

(No. 2007-2232 — Submitted October 15, 2008 — Decided December 2, 2008.)

APPEAL from the Court of Appeals for Montgomery County,

No. 22008, 173 Ohio App.3d 575, 2007-Ohio-5667.

{¶ 1} The cause is dismissed, sua sponte, as having been improvidently accepted.

MOYER, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR, O'DONNELL, LANZINGER, and CUPP, JJ., concur.

Mathias H. Heck Jr., Montgomery County Prosecuting Attorney, and R. Lynn Nothstine and Carley J. Ingram, Assistant Prosecuting Attorneys, for appellant.

Daniel J. O'Brien, for appellee.
