

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

[Cite as *State v. Zachery* (1997), ___ Ohio St.3d ____.]

Appeal dismissed as improvidently allowed.

(No. 96-1029 -- Submitted May 7, 1997 -- Decided June 18, 1997.)

APPEAL from the Court of Appeals for Montgomery County, No. CA
15267.

Mathias H. Heck, Jr., Montgomery County Prosecuting Attorney, and
Jeffrey M. Patzer, Assistant Prosecuting Attorney, for appellant.

David H. Bodiker, State Public Defender, and *Thomas R. Wetterer,*
Jr., Assistant State Public Defender, for appellee.

The appeal is dismissed, *sua sponte*, as having been improvidently
allowed.

MOYER, C.J., RESNICK, F.E. SWEENEY, PFEIFER and LUNDBERG
STRATTON, JJ., concur.

DOUGLAS, J., dissents.

Cook, J., dissents and would reverse the judgment of the court of appeals.