

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

[Cite as *State v. Pierce* (1999), ___ Ohio St.3d ____.]

Appeal dismissed as improvidently allowed.

(No. 98-526 — Submitted February 24, 1999 — Decided March 31, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 97APA06-810.

Ron O'Brien, Franklin County Prosecuting Attorney, and *Amy H. Kulesa*,
Assistant Prosecuting Attorney, for appellant.

Judith M. Stevenson, Franklin County Public Defender, *John W. Keeling*
and *M. Catherine Kurila*, Assistant Public Defenders, for appellee.

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

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

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