

[Cite as *State v. Posey*, 89 Ohio St.3d 1216, 2000-Ohio-132.]

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

[Cite as *State v. Posey* (2000), 89 Ohio St.3d 1216.]

Appeal dismissed as improvidently allowed.

(No. 99-1581 — Submitted May 9, 2000 — Decided June 21, 2000.)

APPEAL from the Court of Appeals for Summit County, No. 19266.

Joseph W. Diemert, Jr., Director of Law, and *Frederick W. Andreas*,
Assistant Director of Law, for appellant.

Richard P. Martin Co., L.P.A., and *David C. Perduk*, for appellee.

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

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

RESNICK, J., dissents.

ALICE ROBIE RESNICK, J., dissenting. This case presents issues that
warrant merit review. I would not dismiss it as improvidently allowed.