

**THE STATE OF OHIO, APPELLANT, v. KOVACIC, APPELLEE.**

[Cite as *State v. Kovacic*, 103 Ohio St.3d 1201, 2004-Ohio-5708.]

*Appeal dismissed as improvidently allowed.*

(No. 2003-1989 — Submitted September 15, 2004 — Decided November 10,  
2004.)

APPEAL from the Court of Appeals for Ashtabula County, No. 2002-A-0032,  
2003-Ohio-5219.

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

MOYER, C.J., RESNICK, F.E. SWEENEY, LUNDBERG STRATTON, O’CONNOR  
and O’DONNELL, JJ., concur.

PFEIFER, J., dissents and would reverse.

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Thomas L. Sartini, Ashtabula County Prosecuting Attorney, and Angela  
M. Scott, Assistant Prosecuting Attorney, for appellant.

Jon T. Field, for appellee.

William F. Schenck, Greene County Prosecuting Attorney, and Elizabeth  
A. Ellis, Assistant Prosecuting Attorney, urging reversal for amicus curiae, Ohio  
Prosecuting Attorneys Association.

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