

[Cite as *State v. Cruzado*, 118 Ohio St.3d 196, 2008-Ohio-2200.]

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

[Cite as *State v. Cruzado*, 118 Ohio St.3d 196, 2008-Ohio-2200.]

Court of appeals' judgment affirmed on the authority of State v. Simpkins.

(No. 2007-1468 — Submitted May 6, 2008 — Decided May 14, 2008.)

APPEAL from the Court of Appeals for Lorain County,

No. 06CA008952, 2007-Ohio-3120.

{¶ 1} As to Proposition of Law No. I, the judgment of the court of appeals is affirmed on the authority of *State v. Simpkins*, 117 Ohio St.3d 420, 2008-Ohio-1197, 884 N.E.2d 568.

{¶ 2} As to Proposition of Law No. II, the cause is dismissed, sua sponte, as having been improvidently accepted.

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

LANZINGER, J., dissents.

Dennis P. Will, Lorain County Prosecuting Attorney, and Billie Jo Belcher, Assistant Prosecuting Attorney, for appellee.

John P. Parker, for appellant.
