

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

[Cite as *State v. Nieheisel* (1997), \_\_\_ Ohio St.3d \_\_\_\_.]

*Appeal dismissed as improvidently allowed.*

(No. 96-915 — Submitted May 21, 1997 — Decided July 30, 1997.)

APPEAL from the Court of Appeals for Clermont County, No. CA95-11-081.

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*Donald W. White*, Clermont County Prosecuting Attorney, and *David Henry*

*Hoffmann*, Assistant Prosecuting Attorney, for appellee.

*Rosenhoffer, Nichols & Schwartz* and *Gary A. Rosenhoffer*, for appellant.

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

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and

LUNDBERG STRATTON, JJ., concur.