

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

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

Certification of conflict dismissed for want of a conflict within meaning of S.Ct.Prac.R. IV(2)(B).

(No. 97-2730 — Submitted October 28, 1998 — Decided February 10, 1999.)

CERTIFIED by the Court of Appeals for Butler County, No. CA97-01-011.

John F. Holcomb, Butler County Prosecuting Attorney, *Daniel G. Eichel* and *Richard A. Hyde*, Assistant Prosecuting Attorneys, for appellee.

David H. Bodiker, Ohio Public Defender, and *Lori J. Rankin*, Assistant State Public Defender, for appellant.

Keith A. Yeazel, urging reversal for *amicus curiae*, Ohio Association of Criminal Defense Lawyers.

William Mason, Cuyahoga County Prosecuting Attorney, and *Erika Ritt*, Assistant Prosecuting Attorney, urging affirmance for *amicus curiae*, Cuyahoga County Prosecutor's Office.

The cause is dismissed for want of a conflict within the meaning of S.Ct.Prac.R. IV(2)(B).

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