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**The State of Ohio, Appellant, v. Barnett, Appellee.**

**No. 93-1071**

**SUPREME COURT OF OHIO**

*68 Ohio St. 3d 115; 1993 Ohio 147; 623 N.E.2d 1200; 1993 Ohio LEXIS 2657*

**November 10, 1993, Submitted**

**December 29, 1993, Decided**

**PRIOR HISTORY:** [\*1] Certified by the Court of Appeals for Seneca County, No. 13-92-1.

**HEADNOTES:** Criminal law -- Minor misdemeanor may not serve as underlying predicate offense for purposes of involuntary manslaughter statute, *R.C. 2903.04(B)*.

**COUNSEL:** Paul F. Kutscher, Jr., Seneca County Prosecuting Attorney, and James S. Nordholt, Jr., Assistant Prosecuting Attorney, for appellant.

Paul G. Croushore, for appellee.

**JUDGES:** Moyer, C.J., A.W. Sweeney, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur. Douglas, J., dissents.

**OPINION:**

The cause is affirmed on authority of *State v. Collins (1993)*, *67 Ohio St.3d 115*, *616 N.E.2d 224*. Motion denied.

Moyer, C.J., A.W. Sweeney, Wright, Resnick, F.E. Sweeney and Pfeifer, JJ., concur.

Douglas, J., dissents.