

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Stall*, Slip Opinion No. 2011-Ohio-1960.]

NOTICE

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SLIP OPINION NO. 2011-OHIO-1960

**THE STATE OF OHIO, APPELLANT AND CROSS-APPELLEE, v. STALL, APPELLEE
AND CROSS-APPELLANT, ET AL., CROSS-APPELLANTS.**

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*Discretionary appeal accepted, discretionary cross-appeal not accepted,
judgment of the court of appeals vacated in part, and cause remanded to
the court of appeals for application of State v. Johnson.*

(No. 2010-2264 — Submitted April 5, 2011 — Decided April 27, 2011.)

APPEAL from the Court of Appeals for Crawford County, Nos. 3-10-11, 3-10-12,
and 3-10-13, 190 Ohio App.3d 581, 2010-Ohio-5672.

{¶ 1} The discretionary appeal is accepted.

{¶ 2} The discretionary cross-appeal is not accepted.

{¶ 3} The portion of the judgment of the court of appeals addressing cross-appellants' assignment of error below is vacated as to appellee and cross-appellant Stall only on the authority of *State v. Johnson*, 128 Ohio St.3d 153,

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2010-Ohio-6314, 942 N.E.2d 1061, and the cause is remanded to the court of appeals for application of our decision in *State v. Johnson*.

O'CONNOR, C.J., and LUNDBERG STRATTON, O'DONNELL, CUPP, and MCGEE BROWN, JJ., concur.

PFEIFER and LANZINGER, JJ., dissent and would not accept the discretionary appeal.

Stanley Flegm, Crawford County Prosecuting Attorney, and Clifford J. Murphy, Assistant Prosecuting Attorney, for appellant and cross-appellee.

Starkey & Stoll, Ltd., and Geoffrey L. Stoll, for appellee and cross-appellants.
