

[Cite as *State v. Yates*, 2004-Ohio-5136.]

Please see vacated opinion at *State v. Yates*, 2004-Ohio-4863, and replacement opinion at *State v. Yates*, 2004-Ohio-5015.

STATE OF OHIO)
)SS.
COUNTY OF ASHTABULA)

IN THE COURT OF APPEALS

ELEVENTH DISTRICT

STATE OF OHIO,

Plaintiff-Appellee,

- vs -

DARREN M. YATES,

Defendant-Appellant.

JUDGMENT ENTRY

CASE NO. 2004-A-0042

{¶ 1} This Court, sua sponte, vacates its Memorandum Opinion for this case released September 13, 2004.

{¶ 2} It is further ordered, sua sponte, that the attached majority Memorandum Opinion be entered for that vacated.

{¶ 3} The Clerk of Courts is instructed to strike the Memorandum Opinion of September 13, 2004, and substitute the attached Memorandum Opinion.

JUDGE CYNTHIA WESTCOTT RICE
FOR THE COURT