[Cite as State v. Kowalik, 2002-Ohio-2685.]

IN THE COURT OF APPEALS OF OHIO SIXTH APPELLATE DISTRICT LUCAS COUNTY

State of Ohio

Court of Appeals No. L-01-1006

Appellee

Trial Court No. CR-00-1588

v.

Mary Kowalik

DECISION AND JUDGMENT ENTRY

Appellant

Decided: May 31, 2002

* * * * *

Julia R. Bates, Lucas County Prosecuting Attorney, and Robert L. Clark, Assistant Prosecuting Attorney.

Penny H. Nasatir, for appellant.

* * * * *

PIETRYKOWSKI, P.J.

- {¶1} This is an appeal from a judgment of conviction and sentence entered by the Lucas County Court of Common Pleas after a jury found defendant-appellant, Mary Kowalik, guilty of one count of aggravated robbery with a gun specification and guilty of one count of kidnaping with a gun specification.
- {¶2} In light of our ruling in the case of State v. Purley (May 31, 2002), Lucas App. No. L-01-1005, in which we reversed the conviction and sentence of appellant's codefendant James William Purley on the ground of prosecutorial misconduct, appellant's second assignment of error is well-taken and her first assignment of error is rendered moot.

 $\{\P 3\}$ On consideration whereof, the court finds that appellant was prejudiced and prevented from having a fair trial and the judgment of the Lucas County Court of Common Pleas is reversed. This case is hereby remanded for a new trial. Court costs of this appeal are assessed to appellee.

Melvin L. Resnick, J.

Richard W. Knepper, J.

Mark L. Pietrykowski, P.J.

CONCUR.

JUDGE

JUDGE

JUDGE