

[Cite as *State v. Lathan*, 2002-Ohio-2686.]

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

State of Ohio Court of Appeals No. L-01-1030
 Appellee Trial Court No. CR-00-1588

v.

Darek Lathan DECISION AND JUDGMENT ENTRY

Appellant Decided: May 31, 2002

* * * * *

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

Jack P. Viren, Jr., for appellant.

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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, Darek Lathan, 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 first assignment of error is well-taken and his second and third assignments of error are rendered moot.

{¶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.

JUDGMENT REVERSED.

Melvin L. Resnick, J.

JUDGE

Richard W. Knepper, J.

JUDGE

Mark L. Pietrykowski, P.J.
CONCUR.

JUDGE