

1 THE STATE OF OHIO, APPELLANT, V. MONTECALVO, APPELLEE.

2 [Cite as *State v. Montecalvo* (1996), \_\_\_ Ohio St.3d \_\_\_\_.]

3 *Criminal law -- Res judicata -- Doctrine bars convicted defendant from*  
4 *raising and litigating in any proceeding, except an appeal from that*  
5 *judgment, any defense that was raised or could have been raised by*  
6 *defendant at trial.*

7 (No. 95-2337 -- Submitted October 16, 1996 -- Decided November  
8 13, 1996.)

9 APPEAL from the Court of Appeals for Lorain County, No.  
10 95CA006041.

11 \_\_\_\_\_

12 *Gregory A. White*, Lorain County Prosecuting Attorney, and *Lisa*  
13 *Milasky*, Assistant Prosecuting Attorney, for appellant.

14 *Sternberg, Newman & Weisman* and *Richard Sternberg*, for appellee.

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16 The judgment of the court of appeals is reversed on the authority of  
17 *State v. Szefcyk* (1996), \_\_\_ Ohio St.3d \_\_\_\_, \_\_\_ N.E.2d \_\_\_\_, decided this  
18 day.

1 MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER and

2 STRATTON, JJ., concur.

3 COOK, J., not participating.

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