

IN RE MILLS, A MINOR CHILD.

[Cite as *In re Mills*, 97 Ohio St.3d 432, 2002-Ohio-6670.]

Discretionary appeal allowed — Court of appeals' judgment reversed on authority of In re Cross.

(No. 2002-1367 — Submitted November 13, 2002 — Decided December 13, 2002.)

APPEAL from the Court of Appeals for Ashtabula County, No. 2001-A-0028, 2002-Ohio-3125.

{¶1} The discretionary appeal is allowed.

{¶2} The judgment of the court of appeals is reversed, and the cause is remanded to the trial court on the authority of *In re Cross*, 96 Ohio St.3d 328, 2002-Ohio-4183, 774 N.E.2d 258.

MOYER, C.J., DOUGLAS, F.E. SWEENEY, PFEIFER, COOK and LUNDBERG STRATTON, JJ., concur.

RESNICK, J., dissents.

David H. Bodiker, Ohio Public Defender, and Felice Harris, Assistant Public Defender, for appellant.

Thomas L. Sartini, Ashtabula County Prosecuting Attorney, and John N. Zomoida Jr., Assistant Prosecuting Attorney, for appellee.
