

THE STATE OF OHIO, APPELLEE, v. TOWNSEND, APPELLANT.

[Cite as *State v. Townsend*, 100 Ohio St.3d 246, 2003-Ohio-5758.]

Discretionary appeal allowed — Court of appeals’ judgment reversed and cause remanded to trial court to apply State v. Comer.

(No. 2003-1241 — Submitted September 23, 2003 — Decided November 12, 2003.)

APPEAL from the Court of Appeals for Lucas County, No. L-02-1232, 2003-Ohio-2913.

{¶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 to apply *State v. Comer*, 99 Ohio St.3d 463, 2003-Ohio-4165, 793 N.E.2d 473.

MOYER, C.J., RESNICK, F.E. SWEENEY, PFEIFER, O’CONNOR and O’DONNELL, JJ., concur.

LUNDBERG STRATTON, J., dissents.

LUNDBERG STRATTON, J., dissenting.

{¶3} For the reasons expressed in Judge Grady’s dissent in *State v. Comer*, 99 Ohio St.3d 463, 2003-Ohio-4165, 793 N.E.2d 473, ¶ 28-39, I respectfully dissent.

Peter J. Wagner and Andy P. Hart, for appellant.
