

**THE STATE OF OHIO, APPELLEE, v. LYONS, APPELLANT.**

**[Cite as *State v. Lyons*, 101 Ohio St.3d 94, 2004-Ohio-27.]**

*Discretionary appeal accepted — Criminal law — Statutory construction — Effect of reenactment, amendment, or repeal — R.C. 1.58(B) does not apply to give a criminal defendant the benefit of a reduced sentence if by applying it, the court alters the nature of the offense, including specifications to which the defendant pled guilty or of which he was found guilty — Court of appeals’ judgment reversed on authority of State v. Kaplowitz.*

(No. 2003-1449 — Submitted December 15, 2003 — Decided January 21, 2004.)

APPEAL from the Court of Appeals for Ashtabula County, No. 2001-A-0056,  
2003-Ohio-3494.

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{¶1} The discretionary appeal is accepted.

{¶2} The judgment of the court of appeals is reversed on the authority of *State v. Kaplowitz*, 100 Ohio St.3d 205, 2003-Ohio-5602, 797 N.E.2d 977.

MOYER, C.J., RESNICK, PFEIFER, LUNDBERG STRATTON, O’CONNOR and O’DONNELL, JJ., concur.

F.E. SWEENEY, J., dissents.

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Thomas L. Sartini, Ashtabula County Prosecuting Attorney, and Angela M. Scott, Assistant Prosecuting Attorney, for appellee.

David H. Bodiker, Public Defender, and Stephen P. Hardwick, Assistant Public Defender, for appellant.

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