

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

[Cite as *State v. Moore*, 113 Ohio St.3d 254, 2007-Ohio-1788.]

Criminal law — Sentencing — Court of appeals’ judgment affirmed and cause remanded for resentencing in accordance with State v. Foster, State v. Mathis, State v. Saxon, and State v. Evans.

(No. 2005-0266 — Submitted April 4, 2007 — Decided May 2, 2007.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 83703, 2004-Ohio-6303.

{¶1} The judgment of the court of appeals is affirmed, and the cause is remanded to the trial court for resentencing in accordance with *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856, 845 N.E.2d 470; *State v. Mathis*, 109 Ohio St.3d 54, 2006-Ohio-855, 846 N.E.2d 1; *State v. Saxon*, 109 Ohio St.3d 176, 2006-Ohio-1245, 846 N.E.2d 824; and *State v. Evans*, 113 Ohio St.3d 100, 2007-Ohio-861, 863 N.E.2d 113.

MOYER, C.J., LUNDBERG STRATTON, O’CONNOR, O’DONNELL, LANZINGER and CUPP, JJ., concur.

PFEIFER, J., dissents for the reasons stated in his dissenting opinion in *State v. Evans*, 113 Ohio St.3d 100, 2007-Ohio-861, 863 N.E.2d 113.

William D. Mason, Cuyahoga County Prosecuting Attorney, and T. Allan Regas, Assistant Prosecuting Attorney, for appellee.

Paul Mancino Jr., for appellee.
