

[Cite as *State v. Davis*, 119 Ohio St.3d 113, 2008-Ohio-3879.]

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

[Cite as *State v. Davis*, 119 Ohio St.3d 113, 2008-Ohio-3879.]

*Discretionary appeal accepted, judgment of the court of appeals reversed, and cause remanded to the trial court for further proceedings consistent with State v. Colon.*

(No. 2007-2424 — Submitted April 23, 2008 — Decided August 7, 2008.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 88895, 2007-Ohio-5843.

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{¶ 1} The discretionary appeal is accepted on Proposition of Law Nos. I and II.

{¶ 2} The judgment of the court of appeals is reversed as to the court of appeals' holding on appellant's fourth assignment of error below on the authority of *State v. Colon*, 118 Ohio St.3d 26, 2008-Ohio-1624, 885 N.E.2d 917, and the cause is remanded to the trial court for further proceedings consistent with *State v. Colon*.

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

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Robert L. Tobik, Cuyahoga County Public Defender, and Paul A. Kuzmins, Assistant Public Defender, for appellant.

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