

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Meador*, Slip Opinion No. 2009-Ohio-5861.]

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SLIP OPINION NO. 2009-OHIO-5861

**THE STATE OF OHIO, APPELLANT AND CROSS-APPELLEE, v. MEADOR,
APPELLEE AND CROSS-APPELLANT.**

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may be cited as *State v. Meador*, Slip Opinion No. 2009-Ohio-5861.]**

*Discretionary cross-appeal accepted and cause remanded to the court of appeals
for consideration of an assignment of error.*

(No. 2009-0884 — Submitted October 20, 2009 — Decided November 10, 2009.)

APPEAL from the Court of Appeals for Warren County, No. CA2008-03-042,
2009-Ohio-2195.

{¶ 1} The discretionary appeal is not accepted.

{¶ 2} The discretionary cross-appeal is accepted.

{¶ 3} The judgment of the court of appeals holding as moot the assignment of error in which appellant below challenged the sufficiency of the evidence is reversed, and the cause is remanded to the court of appeals for consideration of that assignment of error.

SUPREME COURT OF OHIO

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

Rachel A. Hutzler, Warren County Prosecuting Attorney, and Michael
Greer, Assistant Prosecuting Attorney, for appellant and cross-appellee.

Fred S. Miller; and Repper, Pagan & Cook, Ltd., and Christopher J.
Pagan, for appellee and cross-appellant.
