

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Briscoe*, Slip Opinion No. 2009-Ohio-6540.]

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

SLIP OPINION NO. 2009-OHIO-6540

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

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Court of appeals' judgment affirmed on the authority of State v. Lester.

(No. 2009-0089 — Submitted September 30, 2009 — Decided
December 17, 2009.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 89979,
2008-Ohio-6276.

{¶ 1} The judgment of the court of appeals is affirmed on the authority of *State v. Lester*, 123 Ohio St.3d 396, 2009-Ohio-4225, 916 N.E.2d 1038.

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

William D. Mason, Cuyahoga County Prosecuting Attorney, and Lisa Reitz Williamson, Assistant Prosecuting Attorney, for appellee.

SUPREME COURT OF OHIO

Timothy Young, Ohio Public Defender, and Jeremy J. Masters, Assistant
State Public Defender, for appellant.
