

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Brenson*, Slip Opinion No. 2011-Ohio-1425.]

NOTICE

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SLIP OPINION NO. 2011-OHIO-1425

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

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Brenson*, Slip Opinion No. 2011-Ohio-1425.]

Discretionary appeal accepted on Proposition of Law Nos. VI and VII, judgment of the court of appeals vacated in part, and cause remanded to the court of appeals for application of State v. Johnson.

(No. 2010-2206 — Submitted March 1, 2011 — Decided March 30, 2011.)

APPEAL from the Court of Appeals for Delaware County, No. 09-CA-18,
2010-Ohio-4645.

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

{¶ 2} The portion of the judgment of the court of appeals addressing appellant's 14th assignment of error below is vacated on the authority of *State v. Johnson*, 128 Ohio St.3d 153, 2010-Ohio-6314, 942 N.E.2d 1061, and the cause is remanded to the court of appeals for application of our decision in *State v. Johnson*.

SUPREME COURT OF OHIO

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

Carol O'Brien, Delaware County Prosecuting Attorney, and Kyle E.
Rohrer, Assistant Prosecuting Attorney, for appellee.

William T. Cramer, for appellant.
