

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Goodson*, Slip Opinion No. 2011-Ohio-4729.]

NOTICE

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SLIP OPINION NO. 2011-OHIO-4729

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

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Motion for reconsideration granted, discretionary appeal granted, and cause remanded to the court of appeals for application of State v. Johnson.

(No. 2011-0496 — Submitted August 8, 2011 — Decided September 22, 2011.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 94954,
2011-Ohio-722.

ON MOTION FOR RECONSIDERATION

{¶ 1} Appellant has filed a motion for reconsideration of the court's denial of the discretionary appeal in this matter, reported at 128 Ohio St.3d 1557, 2011-Ohio-2905, 949 N.E.2d 43.

{¶ 2} The motion for reconsideration is granted. The discretionary appeal is accepted. The cause is remanded to the court of appeals for application of our decision in *State v. Johnson*, 128 Ohio St.3d 153, 2010-Ohio-6314, 942 N.E.2d 1061.

SUPREME COURT OF OHIO

LUNDBERG STRATTON, O'DONNELL, LANZINGER, CUPP, and MCGEE
BROWN, JJ., concur.

O'CONNOR, C.J., and PFEIFER, J., dissent.

William D. Mason, Cuyahoga County Prosecuting Attorney, for appellee.

Robert L. Tobik, Cuyahoga County Public Defender, and Cullen Sweeney,
Assistant Public Defender, for appellant.
