

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Jordan*, Slip Opinion No. 2011-Ohio-737.]

NOTICE

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SLIP OPINION NO. 2011-OHIO-737

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

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Jordan*, Slip Opinion No. 2011-Ohio-737.]

Discretionary appeal accepted and judgment of the court of appeals reversed in part on the authority of State v. Hodge.

(No. 2010-1868 — Submitted February 1, 2011 — Decided February 22, 2011.)

APPEAL from the Court of Appeals for Trumbull County, No. 2009-T-0110,
2010-Ohio-5183.

{¶ 1} The discretionary appeal is accepted.

{¶ 2} The portion of the judgment of the court of appeals addressing appellant's first assignment of error below is reversed on the authority of *State v. Hodge*, ___ Ohio St.3d ___, 2010-Ohio-6320, ___ N.E.2d ___.

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

SUPREME COURT OF OHIO

Dennis Watkins, Trumbull County Prosecuting Attorney, and LuWayne Annos, Assistant Prosecuting Attorney, for appellant.
