

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Nickel*, Slip Opinion No. 2011-Ohio-739.]

NOTICE

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**SLIP OPINION NO. 2011-OHIO-739**

**THE STATE OF OHIO, APPELLEE, v. NICKEL, APPELLANT.**

**[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Nickel*, Slip Opinion No. 2011-Ohio-739.]**

*Discretionary appeal accepted, judgment of the court of appeals vacated, and cause remanded to the court of appeals for application of State v. Johnson.*

(No. 2010-2131 — Submitted February 1, 2011 — Decided February 22, 2011.)

APPEAL from the Court of Appeals for Ottawa County, No. OT-10-004,  
2010-Ohio-5510.

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{¶ 1} The discretionary appeal is accepted.

{¶ 2} The judgment of the court of appeals is vacated on the authority of *State v. Johnson*, \_\_\_ Ohio St.3d \_\_\_, 2010-Ohio-6314, \_\_\_ N.E.2d \_\_\_, and the cause is remanded to the court of appeals for application of our decision in *State v. Johnson*.

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

SUPREME COURT OF OHIO

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Mark E. Mulligan, Ottawa County Prosecuting Attorney, for appellee.

Timothy Young, Ohio Public Defender, and Terrence K. Scott, Assistant  
Public Defender, for appellant.

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