

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Diehl*, Slip Opinion No. 2020-Ohio-3695.]

NOTICE

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SLIP OPINION NO. 2020-OHIO-3695

THE STATE OF OHIO, APPELLANT, v. DIEHL, A.K.A. TER DOEST, APPELLEE.

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Court of appeals' judgment vacated on the authority of State v. Howard and cause remanded.

(No. 2019-1588—Submitted July 8, 2020—Decided July 15, 2020.)

APPEAL from the Court of Appeals for Wood County,

No. WD-18-041, 2019-Ohio-3818.

{¶ 1} The judgment of the court of appeals is vacated, and the cause is remanded to the court of appeals for application of *State v. Howard*, __ Ohio St.3d __, 2020-Ohio-3195, __ N.E.3d __.

O'CONNOR, C.J., and KENNEDY, FRENCH, FISCHER, DEWINE, DONNELLY, and STEWART, JJ., concur.

SUPREME COURT OF OHIO

Paul A. Dobson, Wood County Prosecuting Attorney, and David T. Harold
and James A. Hoppenjans, Assistant Prosecuting Attorneys, for appellant, state of
Ohio.

Thomas P. Kurt, for appellee, Amanda Diehl.
