

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

[Cite as *State v. Palmer*, 124 Ohio St.3d 282, 2010-Ohio-224.]

Court of appeals' judgment vacated, and cause remanded to the trial court for resentencing.

(No. 2008-2047 — Submitted January 13, 2010 — Decided February 2, 2010.)

APPEAL from the Court of Appeals for Hamilton County, No. C-010583,
178 Ohio App.3d 192, 2008-Ohio-4604.

{¶ 1} The judgment of the court of appeals is vacated. The cause is remanded to the trial court for resentencing.¹

MOYER, C.J., and LUNDBERG STRATTON, O'CONNOR, O'DONNELL, and CUPP, JJ., concur.

PFEIFER and LANZINGER, JJ., dissent and would dismiss the appeal as having been improvidently accepted.

Joseph T. Deters, Hamilton County Prosecuting Attorney, and Scott M. Heenan, Assistant Prosecuting Attorney, for appellant.

Timothy Young, Ohio Public Defender, and Stephen P. Hardwick, Assistant Public Defender, for appellee.

1. Appellee's motion to dismiss the appeal as having been improvidently granted, filed after oral argument, is denied as moot.