

OPINIONS OF THE SUPREME COURT OF OHIO

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The State of Ohio, Appellant, v. Dixon, Appellee.

[Cite as State v. Dixon (1995), Ohio St.3d .]

Criminal law -- Firearm offenses -- R.C. 2929.71(A) -- State must prove beyond a reasonable doubt that firearm was operable for imposition of additional three years of actual incarceration for possession of firearm at time of offense -- Proof beyond a reasonable doubt can be established by testimony of lay witnesses who were in a position to observe the instrument and circumstances surrounding the crime.

(No. 94-220 -- Submitted February 7, 1995 -- Decided March 15, 1995.)

Certified by the Court of Appeals for Greene County, No. 93 CA 18.

William F. Schenck, Greene County Prosecuting Attorney, and Robert K. Hendrix, Assistant Prosecuting Attorney, for appellant.

Martin, McCarty, Richman & Wright Co., L.P.A., and Gary E. Wright, for appellee.

The judgment of the court of appeals is reversed as to the certified issue only, and the judgment of the trial court is reinstated on the authority of State v. Murphy (1990), 49 Ohio St.3d 206, 551 N.E.2d 932.

Moyer, C.J., Douglas, Wright, Resnick, F.E. Sweeney, Pfeifer and Cook, JJ., concur.