

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

[Cite as *State v. Montecalvo*, 1996-Ohio-338.]

Criminal law—Res judicata—Doctrine bars convicted defendant from raising and litigating in any proceeding, except an appeal from that judgment, any defense that was raised or could have been raised by defendant at trial.

(No. 95-2337—Submitted October 16, 1996—Decided November 13, 1996.)

APPEAL from the Court of Appeals for Lorain County, No. 95CA006041.

Gregory A. White, Lorain County Prosecuting Attorney, and *Lisa Milasky*, Assistant Prosecuting Attorney, for appellant.

Sternberg, Newman & Weisman and *Richard Sternberg*, for appellee.

{¶ 1} The judgment of the court of appeals is reversed on the authority of *State v. Szefcyk* (1996), 77 Ohio St.3d 93, 671 N.E.2d 233, decided this day.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER and STRATTON, JJ., concur.

COOK, J., not participating.
