

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

[Cite as *State v. Schirtzinger*, 1998-Ohio-498.]

Court of appeals' judgment reversed on the authority of State v. Rush.

(No. 97-2404—Submitted August 19, 1998—Decided September 16, 1998.)

CERTIFIED by the Court of Appeals for Delaware County, No. 97CAA-05-015.

W. Duncan Whitney, Delaware County Prosecuting Attorney, and *Gregory D. Brunton*, Assistant Prosecuting Attorney, for appellant.

{¶ 1} The judgment of the court of appeals is reversed on the authority of *State v. Rush* (1998), 83 Ohio St.3d 53, 697 N.E.2d 634.

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