

**THE STATE OF OHIO, APPELLANT, v. LUNDY, APPELLEE.**

**[Cite as *State v. Lundy*, 1999-Ohio-510.]**

*Court of appeals' judgment affirmed on authority of State v. Rush.*

(No. 98-1579—Submitted November 10, 1998—Decided January 6, 1999.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 71849.

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*Stephanie Tubbs Jones*, Cuyahoga County Prosecuting Attorney, and  
*Patrick J. McCarthy*, Assistant Prosecuting Attorney, for appellant.

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{¶ 1} The discretionary appeal is allowed.

{¶ 2} 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.

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