

IN RE MOORE.

[Cite as *In re Moore*, 2001-Ohio-1328.]

Discretionary appeal allowed—Court of appeals’ judgment vacated and cause remanded to court of appeals for consideration of In re Anderson.

(No. 01-728—Submitted July 17, 2001—Decided September 19, 2001.)

APPEAL from the Court of Appeals for Montgomery County, No. 18700.

{¶ 1} The discretionary appeal is allowed.

{¶ 2} The judgment of the court of appeals is vacated, and the cause is remanded to the court of appeals for consideration of *In re Anderson* (2001), 92 Ohio St.3d 63, 748 N.E.2d 67.

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

F.E. SWEENEY, J., dissents and would affirm the judgment of the court of appeals.

David H. Bodiker, State Public Defender, *Janine Salloum Ashanin*,
Assistant Public Defender, for appellant.

Mathias H. Heck, Jr., Montgomery County Prosecuting Attorney, and
Johnna M. Shia, Assistant Prosecuting Attorney, for appellee.
