

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

[Cite as *State v. Acklin*, 2001-Ohio-1329.]

Discretionary appeal allowed—Court of appeals' judgment reversed and cause remanded for application of State v. Eppinger.

(No. 01-910—Submitted July 17, 2001—Decided September 19, 2001.)

APPEAL from the Court of Appeals for Hamilton County, No. C-000335.

{¶ 1} The discretionary appeal is allowed.

{¶ 2} The judgment of the court of appeals is reversed, and the cause is remanded to the court of appeals for application of *State v. Eppinger* (2001), 91 Ohio St.3d 158, 743 N.E.2d 881.

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

Michael K. Allen, Hamilton County Prosecuting Attorney, and *Ronald W. Springman, Jr.*, Assistant Prosecuting Attorney, for appellee.

Charles H. Bartlett, Jr., for appellant.
