

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

[Cite as *State v. Steward*, 2002-Ohio-5782.]

Discretionary appeal allowed—Court of appeals’ judgment reversed and cause remanded to trial court for consideration of State v. Bush.

(No. 2002-1170—Submitted September 24, 2002—Decided November 6, 2002.)

APPEAL from the Court of Appeals for Richland County, No. 01CA102, 2002-Ohio-2680.

{¶1} The discretionary appeal is allowed.

{¶2} The judgment of the court of appeals is reversed and the cause is remanded to the trial court for consideration of *State v. Bush*, 96 Ohio St.3d 235, 2002-Ohio-3993, 773 N.E.2d 522.

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

RESNICK and F.E. SWEENEY, JJ., dissent and would affirm the judgment of the court of appeals.

James J. Mayer Jr., Richland County Prosecuting Attorney, and John Randolph Spon Jr., for appellee.

Bruce A. Steward, pro se.
