

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

[Cite as *State v. Lyons*, 101 Ohio St.3d 94, 2004-Ohio-27.]

Discretionary appeal accepted — Criminal law — Statutory construction — Effect of reenactment, amendment, or repeal — R.C. 1.58(B) does not apply to give a criminal defendant the benefit of a reduced sentence if by applying it, the court alters the nature of the offense, including specifications to which the defendant pled guilty or of which he was found guilty — Court of appeals’ judgment reversed on authority of State v. Kaplowitz.

(No. 2003-1449 — Submitted December 15, 2003 — Decided January 21, 2004.)

APPEAL from the Court of Appeals for Ashtabula County, No. 2001-A-0056,
2003-Ohio-3494.

{¶1} The discretionary appeal is accepted.

{¶2} The judgment of the court of appeals is reversed on the authority of *State v. Kaplowitz*, 100 Ohio St.3d 205, 2003-Ohio-5602, 797 N.E.2d 977.

MOYER, C.J., RESNICK, PFEIFER, LUNDBERG STRATTON, O’CONNOR and O’DONNELL, JJ., concur.

F.E. SWEENEY, J., dissents.

Thomas L. Sartini, Ashtabula County Prosecuting Attorney, and Angela M. Scott, Assistant Prosecuting Attorney, for appellee.

David H. Bodiker, Public Defender, and Stephen P. Hardwick, Assistant Public Defender, for appellant.
