

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

**[Cite as *State v. Yeager*, 103 Ohio St.3d 476, 2004-Ohio-5707.]**

*Criminal law — Right to counsel — Court of appeals' judgment reversed and cause remanded for proceedings consistent with State v. Martin.*

(Nos. 2004-1006 and 2004-1196 — Submitted October 13, 2004 — Decided November 10, 2004.)

APPEAL from and CERTIFIED by the Court of Appeals for Summit County, No. 21510, 2004-Ohio-2368.

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{¶1} The judgment of the court of appeals is reversed and the cause is remanded to the court of appeals for consideration of other assignments of error and proceedings consistent with *State v. Martin*, 103 Ohio St.3d 385, 2004-Ohio-5471, 816 N.E.2d 227.

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

F.E. SWEENEY, J., dissents.

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Sherri Bevan Walsh, Summit County Prosecuting Attorney, and Philip D. Bogdanoff, Assistant Prosecuting Attorney, for appellant.

Nathan A. Ray, for appellee.

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