

**THE STATE OF OHIO, APPELLEE AND CROSS-APPELLANT, v. HAWKINS,
APPELLANT AND CROSS-APPELLEE.**

[Cite as *State v. Hawkins*, 104 Ohio St.3d 582, 2004-Ohio-7124.]

*Criminal law — Court of appeals’ judgment reversed and cause remanded for
application of State v. Leach.*

(No. 2004-1299 — Submitted December 14, 2004 — Decided December 30,
2004.)

APPEAL and CROSS-APPEAL from the Court of Appeals for Cuyahoga County, No.
82465, 2004-Ohio-855.

{¶ 1} The discretionary appeal is accepted on Proposition of Law No. II.

{¶ 2} The cross-appeal is not accepted.

{¶ 3} The judgment of the court of appeals is reversed and the cause is
remanded for application of *State v. Leach*, 102 Ohio St.3d 135, 2004-Ohio-2147,
807 N.E.2d 335.

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

F.E. SWEENEY and O’CONNOR, JJ., dissent.

William D. Mason, Cuyahoga County Prosecuting Attorney, Lisa Reitz
Williamson and Brian Mooney, Assistant Prosecuting Attorneys, for appellee and
cross-appellant.

Robert L. Tobik, Cuyahoga County Public Defender, and John T. Martin,
Assistant Public Defender, for appellant and cross-appellee.
