

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

**[Cite as *State v. Charlton*, 101 Ohio St.3d 206, 2004-Ohio-715.]**

*Discretionary appeal accepted — Criminal procedure — Penalties and sentencing — Court of appeals’ judgment reversed and cause remanded on authority of State v. Comer.*

(No. 2003-1490 — Submitted January 12, 2004 — Decided March 3, 2004.)

APPEAL from the Court of Appeals for Lorain County, Nos. 02CA008048 and 02CA008049, 2003-Ohio-2631.

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{¶1} The discretionary appeal is accepted.

{¶2} The judgment of the court of appeals is reversed, and the cause is remanded to the trial court on the authority of *State v. Comer*, 99 Ohio St.3d 463, 2003-Ohio-4165, 793 N.E.2d 473.

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

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Jeffrey H. Manning, Lorain County Prosecuting Attorney, and Anthony D. Cillo, Assistant Prosecuting Attorney, for appellee.

David H. Bodiker, State Public Defender, and Robert L. Lane, Chief Appellate Counsel, for appellant.

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