

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

**[Cite as *State v. Tate*, 106 Ohio St.3d 455, 2005-Ohio-5511.]**

*Criminal law — R.C. 2911.02 — Robbery — Court of appeals’ judgment reversed  
on the authority of State v. Thomas and cause remanded.*

(No. 2004-0963 — Submitted September 21, 2005 — Decided November 2,  
2005.)

APPEAL from the Court of Appeals for Cuyahoga County,  
No. 82871, 2004-Ohio-2007.

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{¶ 1} The judgment of the court of appeals is reversed on the authority of  
*State v. Thomas*, 106 Ohio St.3d 133, 2005-Ohio-4106, 832 N.E.2d 1190, and the  
cause is remanded to the trial court for application of *State v. Thomas*.

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

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William D. Mason, Cuyahoga County Prosecuting Attorney, and Mary  
McGrath, Assistant Prosecuting Attorney, for appellee.

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

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