

IN RE OHIO CRIMINAL SENTENCING STATUTES CASES.

**[Cite as *In re Ohio Criminal Sentencing Statutes Cases*,
109 Ohio St.3d 450, 2006-Ohio-2626.]**

*Criminal law — Felonies — Sentencing — Cases accepted and disposed of on the
authority of State v. Mathis.*

(Submitted May 24, 2006 — Decided May 31, 2006.)

{¶ 1} The following dispositions of currently pending appeals are hereby entered based on our decision in *State v. Mathis*, 109 Ohio St.3d 54, 2006-Ohio-855, 846 N.E.2d 1.

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

I

{¶ 2} The judgments of the courts of appeals in the following cases are affirmed as to their holdings vacating the defendants’ sentences and remanding for new resentencing hearings, and the causes are remanded to the trial courts for resentencing consistent with our opinion in *State v. Foster*, 109 Ohio St.3d 1, 2006-Ohio-856, 845 N.E.2d 470:

{¶ 3} 2004-1265. *State v. Embry*, Cuyahoga App. No. 82998, 2004-Ohio-2986.

{¶ 4} 2004-1522. *State v. Diaz*, Cuyahoga App. No. 81857, 2004-Ohio-3954.

{¶ 5} 2004-1525. *State v. Zucco*, Cuyahoga App. No. 83602, 2004-Ohio-4095.

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{¶ 6} 2005-1663. *State v. Rivera*, Cuyahoga App. No. 85118, 2005-Ohio-3833.

II

{¶ 7} The judgments of the courts of appeals in the following cases affirming the defendants' sentences are reversed, and the causes are remanded to the trial courts for resentencing consistent with our opinion in *State v. Foster*. If propositions of law are noted, such reversals apply only to those portions of the judgments of the courts of appeals as are implicated by the applicable propositions of law. These cases were previously, but no longer are, held for our decision in *State v. Foster*:

{¶ 8} 2005-1503. *State v. Pina*, Hancock App. No. 5-04-55, 2005-Ohio-3231. Accepted on Proposition of Law No. I.

{¶ 9} 2005-1708. *State v. Crim*, Cuyahoga App. No. 85290, 2005-Ohio-4129. Accepted on Proposition of Law No. III.

{¶ 10} 2005-1775. *State v. McQueen*, Cuyahoga App. No. 85330, 2005-Ohio-4013. Accepted on Proposition of Law No. III.
