

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

**[Cite as *State v. Brewer*, 113 Ohio St.3d 375, 2007-Ohio-2079.]**

*Discretionary appeal accepted and cause remanded to the court of appeals for consideration of an assignment of error.*

(No. 2007-0148 — Submitted April 3, 2007 — Decided May 16, 2007.)

APPEAL from the Court of Appeals for Cuyahoga County,  
No. 87701, 2006-Ohio-6029.

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{¶1} The discretionary appeal is accepted.

{¶2} The judgment of the court of appeals holding that the assignment of error in which appellant challenged the sufficiency of the evidence was moot is reversed, and the cause is remanded to the court of appeals for consideration of that assignment of error.

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

PFEIFER, J., dissents.

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

Robert L. Tobik, Cuyahoga County Public Defender, and Cullen Sweeney, Assistant Public Defender, for appellant.

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