

THE STATE OF OHIO, APPELLEE, v. FLEMING, APPELLANT.

[Cite as *State v. Fleming*, 118 Ohio St.3d 265, 2008-Ohio-2543.]

Court of appeals' judgment reversed on the authority of State v. Cabrales and cause remanded.

(No. 2007-1648 — Submitted April 23, 2008 — Decided June 4, 2008.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 88442, 2007-Ohio-3645.

{¶1} The judgment of the court of appeals is reversed as to the court of appeals' holding on appellant's fifth assignment of error below on the authority of *State v. Cabrales*, 118 Ohio St.3d 54, 2008-Ohio-1625, 886 N.E.2d 181. The cause is remanded to the trial court for further proceedings consistent with *State v. Cabrales*, including a determination as to whether the offenses were committed with a separate animus under R.C. 2941.25(B).

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

Robert L. Tobik, Cuyahoga County Public Defender, and Robert M. Ingersoll, Assistant Public Defender, for appellant.
