

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

[Cite as *State v. Aleshire*, 118 Ohio St.3d 1213, 2008-Ohio-2700.]

Motion for reconsideration granted.

(No. 2007-1865 — Submitted May 6, 2008 — Decided June 11, 2008.)

APPEAL from the Court of Appeals for Licking County,

No. 2007-CA-1, 2007-Ohio-4446.

ON MOTION FOR RECONSIDERATION

{¶ 1} Appellee has filed a motion for reconsideration of the court's order reversing the judgment of the court of appeals on the authority of *State v. Sarkozy*, 117 Ohio St.3d 86, 2008-Ohio-509, 881 N.E.2d 1224, and remanding the cause to the trial court for retrial.

{¶ 2} The motion for reconsideration is granted to the following extent: The order in this cause filed on March 26, 2008, reported at 117 Ohio St.3d 402, 2008-Ohio-1272, 884 N.E.2d 57, is vacated. This cause is remanded to the court of appeals for consideration of whether the court of appeals' judgment should be modified in view of our opinion in *State v. Sarkozy*.

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

CUPP, J., would vacate the prior order and dismiss the cause as having been improvidently accepted.

PFEIFER, J., dissents.

Kenneth W. Oswalt, Licking County Prosecuting Attorney, for appellee.

Lonny J. Aleshire Jr., pro se.
