

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

[Cite as *State v. Seljan*, 119 Ohio St.3d 485, 2008-Ohio-5199.]

Discretionary appeal accepted and cause remanded for consideration of State v. Cabrales.

(No. 2008-1085 — Submitted September 16, 2008 — Decided October 9, 2008.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 89845, 2008-Ohio-1707.

{¶ 1} The discretionary appeal is accepted on Proposition of Law No. IV.

{¶ 2} The 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. Cabrales*, 118 Ohio St.3d 54, 2008-Ohio-1625, 886 N.E.2d 181.

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

William D. Mason, Cuyahoga County Prosecuting Attorney, and Lisa Reitz Williamson, Assistant Prosecuting Attorney, for appellee.

Robert L. Tobik, Cuyahoga County Public Defender, and Erika A. Cunliffe, Assistant Public Defender, for appellant.
