

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

[Cite as *State v. Cotton*, 120 Ohio St.3d 321, 2008-Ohio-6249.]

Court of appeals' judgment reversed in part on the authority of State v. Brown and cause remanded.

(No. 2007-1449 — Submitted November 19, 2008 — Decided
December 9, 2008.)

APPEAL from the Court of Appeals for Hamilton County, No. C-060264.

{¶ 1} The judgment of the court of appeals is reversed, on the authority of *State v. Brown*, 119 Ohio St.3d 447, 2008-Ohio-4569, 895 N.E.2d 149, as to the court of appeals' holding on appellant's fourth assignment of error below to the extent that the two counts of felonious assault in violation of R.C. 2903.11(A)(1) and (2) were held to not be allied offenses of similar import under R.C. 2941.25(A). The cause is remanded to the trial court for further proceedings consistent with *State v. Brown*.

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

Joseph T. Deters, Hamilton County Prosecuting Attorney, and Judith Anton Lapp, Assistant Prosecuting Attorney, for appellee.

Timothy Young, Ohio Public Defender, and Theresa G. Haire, Assistant State Public Defender, for appellant.
