

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

**[Cite as *State v. Cooke*, 120 Ohio St.3d 356, 2008-Ohio-6321.]**

*Cause remanded for further consideration in view of State v. Kalish.*

(No. 2008-0522 — Submitted October 14, 2008 — Decided December 11, 2008.)

APPEAL from the Court of Appeals for Butler County, No. CA2007-01-005.

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{¶ 1} The cause is remanded to the court of appeals for further consideration in view of our opinion in *State v. Kalish*, 120 Ohio St.3d 23, 2008-Ohio-4912, 896 N.E.2d 124.

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

LUNDBERG STRATTON, J., dissents.

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Robin N. Piper, Butler County Prosecuting Attorney, and Daniel G. Eichel, Assistant Prosecuting Attorney, for appellee.

Charles M. Conliff, for appellant.

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