

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

**[Cite as *State v. Briscoe*, 124 Ohio St.3d 117, 2009-Ohio-6540.]**

*Court of appeals' judgment affirmed on the authority of State v. Lester.*

(No. 2009-0089 — Submitted September 30, 2009 — Decided  
December 17, 2009.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 89979,  
2008-Ohio-6276.

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{¶ 1} The judgment of the court of appeals is affirmed on the authority  
of *State v. Lester*, 123 Ohio St.3d 396, 2009-Ohio-4225, 916 N.E.2d 1038.

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

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

Timothy Young, Ohio Public Defender, and Jeremy J. Masters, Assistant  
Public Defender, for appellant.

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