

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

[Cite as *State v. Fuller*, 121 Ohio St.3d 137, 2009-Ohio-722.]

Discretionary appeal accepted and judgment of the court of appeals reversed on the authority of Morgan v. Eads.

(No. 2008-2125 — Submitted February 3, 2009 — Decided February 24, 2009.)

APPEAL from the Court of Appeals for Hamilton County,

No. C-070900, 2008-Ohio-4721.

{¶ 1} The discretionary appeal is accepted.

{¶ 2} The judgment of the court of appeals is reversed on the authority of *Morgan v. Eads*, 104 Ohio St.3d 142, 2004-Ohio-6110, 818 N.E.2d 1157.

MOYER, C.J., and LUNDBERG STRATTON, O’CONNOR, O’DONNELL, and CUPP, JJ., concur.

PFEIFER and LANZINGER, JJ., dissent.

Joseph T. Deters, Hamilton County Prosecuting Attorney, and Philip R. Cummings, Assistant Prosecuting Attorney, for appellant.
