

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

[Cite as *State v. Carter*, 123 Ohio St.3d 162, 2009-Ohio-4905.]

Court of appeals' judgment reversed on the authority of State v. Harris and cause remanded.

(No. 2008-1894 — Submitted August 11, 2009 — Decided September 22, 2009.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 90504,
2008-Ohio-4099.

{¶ 1} The judgment of the court of appeals is reversed on the authority of *State v. Harris*, 122 Ohio St.3d 373, 2009-Ohio-3323, 911 N.E.2d 882, and the cause is remanded to the court of appeals for further consideration of the animus analysis consistent with *State v. Harris*.

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

William D. Mason, Cuyahoga County Prosecuting Attorney, and Pamela Bolton, Assistant Prosecuting Attorney, for appellee.

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