

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

[Cite as *State v. Ortiz*, 126 Ohio St.3d 1202, 2010-Ohio-2672.]

Motion for reconsideration granted in part, order reinstating judgment of the trial court vacated, and cause remanded to the court of appeals.

(No. 2009-1925 — Submitted May 25, 2010 — Decided June 16, 2010.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 91819,
2009-Ohio-4982.

ON MOTION FOR RECONSIDERATION

{¶ 1} On April 7, 2010, the court accepted the discretionary appeal in this case, reversed in part the judgment of the court of appeals on the authority of *State v. Williams*, 124 Ohio St.3d 381, 2010-Ohio-147, 922 N.E.2d 937, and reinstated the judgment of the trial court. 124 Ohio St.3d 562, 2010-Ohio-1429, 925 N.E.2d 138.

{¶ 2} Appellant has filed a motion for reconsideration of the court's order of April 7, 2010.

{¶ 3} The motion for reconsideration is granted to the following extent: The portion of the court's April 7, 2010 order reinstating the judgment of the trial court is vacated, and the cause is remanded to the court of appeals for consideration of the assignments of error held to be moot below.

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

LANZINGER, J., dissents.

William D. Mason, Cuyahoga County Prosecuting Attorney, and Kristen L. Sobieski, Assistant Prosecuting Attorney, for appellant.

SUPREME COURT OF OHIO

Robert L. Tobik, Cuyahoga County Public Defender, and John T. Martin
and David M. King, Assistant Public Defenders, for appellee.
