

[Cite as *State v. Lynch*, 134 Ohio St.3d 561, 2012-Ohio-5730.]

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

[Cite as *State v. Lynch*, 134 Ohio St.3d 561, 2012-Ohio-5730.]

Court of appeals' judgment reversed on the authority of State v. Billiter.

(No. 2012-1361—Submitted December 4, 2012—Decided December 6, 2012.)

APPEAL from the Court of Appeals for Lorain County,

No. 11CA010031, 2012-Ohio-2975.

{¶ 1} The judgment of the court of appeals is reversed on the authority of *State v. Billiter*, 134 Ohio St.3d 103, 2012-Ohio-5144, 980 N.E.2d 960, and the cause is remanded to the court of appeals for further proceedings consistent with this court's opinion in *State v. Billiter*.

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

LUNDBERG STRATTON and LANZINGER, JJ., dissent for the reasons stated in their separate opinions in *State v. Billiter*.

Dennis P. Will, Lorain County Prosecuting Attorney, and Billie Jo Belcher, Assistant Prosecuting Attorney, for appellee.

Timothy Young, Ohio Public Defender, and E. Kelly Mihocik, Assistant Public Defender, for appellant.
