

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Lozada*, Slip Opinion No. 2020-Ohio-3756.]

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SLIP OPINION NO. 2020-OHIO-3756

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

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Judgment reversed on the authority of State v. Miller and cause remanded.

(No. 2019-1250—Submitted July 8, 2020—Decided July 21, 2020.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 107827, 2019-Ohio-3040.

{¶ 1} The judgment of the court of appeals is reversed on the authority of *State v. Miller*, __ Ohio St.3d __, 2020-Ohio-1420, __ N.E.3d __, and the cause is remanded to the court of appeals for consideration of appellee Ricardo Lozada’s remaining assignments of error.

O’CONNOR, C.J., and KENNEDY, FISCHER, DEWINE, and STEWART, JJ., concur.

FRENCH and DONNELLY, JJ., would instruct the court of appeals to apply *Miller* on remand.

SUPREME COURT OF OHIO

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Gregory Ochocki, Assistant Prosecuting Attorney, for appellant.

Patituce & Associates, L.L.C., Joseph C. Patituce, Megan M. Patituce, and C. Adam Carro, for appellee.
