

[Cite as *State v. Thomas*, 2005-Ohio-5131.]

COURT OF APPEALS OF OHIO, EIGHTH DISTRICT

COUNTY OF CUYAHOGA

No. 82674

STATE OF OHIO

Plaintiff-Appellee

vs.

WILLIE THOMAS

Defendant -Appellant

DATE OF ANNOUNCEMENT
OF DECISION

CHARACTER OF PROCEEDINGS

JUDGMENT

DATE OF JOURNALIZATION

APPEARANCES :

For plaintiff-appellee

:
:
: JOURNAL ENTRY
:
: AND
:
:
: OPINION

: September 29, 2005

: Criminal appeal from
: Common Pleas Court
: Case No. CR-429294

: CONVICTION AND
: SENTENCE VACATED;
: REMANDED.

WILLIAM D. MASON, ESQ.
Cuyahoga County Prosecutor
By: ERIC WEISS, ESQ.
LISA REITZ WILLIAMSON, ESQ.
Assistant County Prosecutors
8th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

For defendant-appellant

ROBERT L. TOBIK, ESQ.
Cuyahoga County Public
Defender
By: JOHN T. MARTIN, ESQ.
Assistant Public Defender
1200 West Third Street
100 Lakeside Place

Cleveland, Ohio 44113

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SEAN C. GALLAGHER, J. :

{¶1} Upon the decision of the Supreme Court of Ohio in *State v. Thomas*, 106 Ohio St.3d 133, 2005-Ohio-4106, Thomas's conviction and sentence are hereby vacated and the case is remanded to the trial court for further proceedings consistent with that opinion. Upon completion of that review and a final disposition of the case is rendered, the trial court should enter an order upon the docket and forward the final journal entry to the appropriate institution.

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This cause is vacated and remanded to the lower court for further proceedings consistent with this opinion.

It is, therefore, considered that said appellant recover of said appellee costs herein.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the Cuyahoga County Court of Common Pleas to carry this judgment into execution. A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

JAMES J. SWEENEY, P.J., AND

CHRISTINE T. MCMONAGLE, J., CONCUR.

SEAN C. GALLAGHER
JUDGE

N.B. This entry is an announcement of the court's decision. See App.R. 22(B), 22(D) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(E) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the

journalization of this court's announcement of decision by the clerk per App.R. 22(E). See, also, S.Ct.Prac.R. II, Section 2(A)(1).