

[Cite as *State v. Stall*, 128 Ohio St.3d 501, 2011-Ohio-1960.]

**THE STATE OF OHIO, APPELLANT AND CROSS-APPELLEE, v. STALL, APPELLEE  
AND CROSS-APPELLANT, ET AL., CROSS-APPELLANTS.**

[Cite as *State v. Stall*, 128 Ohio St.3d 501, 2011-Ohio-1960.]

*Discretionary appeal accepted, discretionary cross-appeal not accepted,  
judgment of the court of appeals vacated in part, and cause remanded to  
the court of appeals for application of State v. Johnson.*

(No. 2010-2264 — Submitted April 5, 2011 — Decided April 27, 2011.)

APPEAL from the Court of Appeals for Crawford County, Nos. 3-10-11, 3-10-12,  
and 3-10-13, 190 Ohio App.3d 581, 2010-Ohio-5672.

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{¶ 1} The discretionary appeal is accepted.

{¶ 2} The discretionary cross-appeal is not accepted.

{¶ 3} The portion of the judgment of the court of appeals addressing cross-appellants' assignment of error below is vacated as to appellee and cross-appellant Stall only on the authority of *State v. Johnson*, 128 Ohio St.3d 153, 2010-Ohio-6314, 942 N.E.2d 1061, and the cause is remanded to the court of appeals for application of our decision in *State v. Johnson*.

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

PFEIFER and LANZINGER, JJ., dissent and would not accept the discretionary appeal.

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Stanley Flegm, Crawford County Prosecuting Attorney, and Clifford J. Murphy, Assistant Prosecuting Attorney, for appellant and cross-appellee.

Starkey & Stoll, Ltd., and Geoffrey L. Stoll, for appellee and cross-appellants.

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