

[Cite as *State v. Nickel*, 128 Ohio St.3d 353, 2011-Ohio-739.]

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

[Cite as *State v. Nickel*, 128 Ohio St.3d 353, 2011-Ohio-739.]

Discretionary appeal accepted, judgment of the court of appeals vacated, and cause remanded to the court of appeals for application of State v. Johnson.

(No. 2010-2131 — Submitted February 1, 2011 — Decided February 22, 2011.)

APPEAL from the Court of Appeals for Ottawa County, No. OT-10-004,
2010-Ohio-5510.

{¶ 1} The discretionary appeal is accepted.

{¶ 2} The judgment of the court of appeals is vacated 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 PFEIFER, LUNDBERG STRATTON, O’DONNELL, LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

Mark E. Mulligan, Ottawa County Prosecuting Attorney, for appellee.

Timothy Young, Ohio Public Defender, and Terrence K. Scott, Assistant Public Defender, for appellant.
