

[Cite as *State v. Diehl*, 161 Ohio St.3d 14, 2020-Ohio-3695.]

**THE STATE OF OHIO, APPELLANT, v. DIEHL, A.K.A. TER DOEST, APPELLEE.**

**[Cite as *State v. Diehl*, 161 Ohio St.3d 14, 2020-Ohio-3695.]**

*Court of appeals' judgment vacated and cause remanded for application of State v. Howard.*

(No. 2019-1588—Submitted July 8, 2020—Decided July 15, 2020.)

APPEAL from the Court of Appeals for Wood County,  
No. WD-18-041, 2019-Ohio-3818.

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{¶ 1} The judgment of the court of appeals is vacated, and the cause is remanded to the court of appeals for application of *State v. Howard*, \_\_ Ohio St.3d \_\_, 2020-Ohio-3195, \_\_ N.E.3d \_\_.

O'CONNOR, C.J., and KENNEDY, FRENCH, FISCHER, DEWINE, DONNELLY, and STEWART, JJ., concur.

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Paul A. Dobson, Wood County Prosecuting Attorney, and David T. Harold and James A. Hoppenjans, Assistant Prosecuting Attorneys, for appellant, state of Ohio.

Thomas P. Kurt, for appellee, Amanda Diehl.

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