

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

[Cite as *State v. Jenkins*, 171 Ohio St.3d 795, 2022-Ohio-4731.]

Court of appeals' judgment reversed on the authority of State v. Bourn and cause remanded for further proceedings.

(No. 2022-0297—Submitted November 29, 2022—Decided December 30, 2022.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 109421, 2022-Ohio-297.

{¶ 1} The judgment of the Eighth District Court of Appeals is reversed on the authority of *State v. Bourn*, __ Ohio St.3d __, 2022-Ohio-4321, __ N.E.3d __, and the cause is remanded to that court for further proceedings.

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

DONNELLY and STEWART, JJ., would dismiss the appeal as having been improvidently allowed.

BRUNNER, J., dissents for the reasons set forth in her dissenting opinion in *Bourn*.

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Daniel T. Van, Assistant Prosecuting Attorney, for appellant.
