

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

SLIP OPINION NO. 2026-OHIO-3474

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

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Cuyler*, Slip Opinion No. 2026-Ohio-3474.]

Court of appeals' judgment vacated and cause remanded for further consideration in light of State v. Fontanez.

(No. 2025-1239—Submitted September 1, 2026—Decided September 9, 2026.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 113967, 2025-Ohio-4461.

The below judgment of the court was joined by KENNEDY, C.J., and FISCHER, DEWINE, BRUNNER, DETERS, HAWKINS, and SHANAHAN, JJ.

{¶ 1} The judgment of the Eighth District Court of Appeals is vacated, and the cause is remanded to that court for further consideration in light of our decision in *State v. Fontanez*, 2026-Ohio-3281.

SUPREME COURT OF OHIO

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Brian P. Callahan, Assistant Prosecuting Attorney, for appellant.

Law Office of Timothy F. Sweeney and Timothy F. Sweeney, for appellee,
Daryl Cuyler Jr.
