

State of Ohio

v.

Marcus Davis

Case No. 2007-2424

JUDGMENT ENTRY

APPEAL FROM THE
COURT OF APPEALS

Upon consideration of the jurisdictional memoranda filed in this case, the Court hereby accepts the appeal on Proposition of Law Nos. I and II. On consideration thereof, the judgment of the court of appeals is reversed as to the court of appeals' holding on appellant's fourth assignment of error below on the authority of *State v. Colon*, 118 Ohio St.3d 26, 2008-Ohio-1624, 885 N.E.2d 917, and this cause is remanded to the trial court for further proceedings consistent with *State v. Colon*.

It is further ordered that a mandate be sent to the Court of Common Pleas for Cuyahoga County to carry this judgment into execution and that a copy of this entry be certified to the Clerk of the Court of Appeals for Cuyahoga County for entry.

(Cuyahoga County Court of Appeals; No. 88895)

THOMAS J. MOYER
Chief Justice