

The Supreme Court of Ohio

FILED

OCT 13 2009

CLERK OF COURT
SUPREME COURT OF OHIO

State of Ohio

Case No. 2009-0311

v.

ENTRY

Gregory Horner

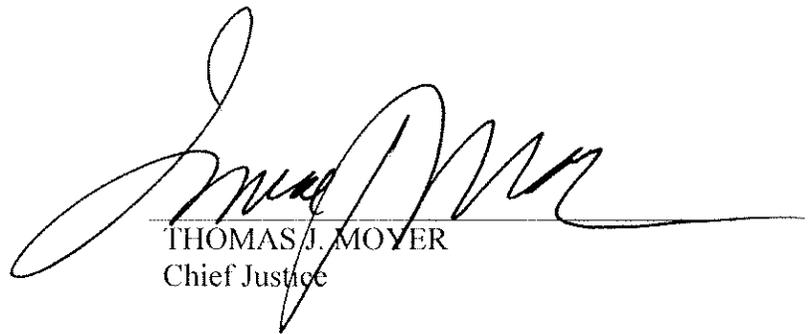
This cause is pending before the Court on the certification of a conflict by the Court of Appeals for Lucas County.

It is ordered by the Court, sua sponte, that this cause is no longer held for the decision in *State v. Lester*, ___ Ohio St.3d ___, 2009-Ohio-4225, ___ N.E.2d ___. The parties are to brief the question certified by the court of appeals, as follows:

“Whether the holdings of *State v. Colon*, 118 Ohio St.3d 26, 2008-Ohio-1624, and *State v. Colon*, 119 Ohio St.3d 204, 2008-Ohio-3749 are applicable to the offense of aggravated robbery in violation of R.C. 2911.01(A)(3) or only to the offense of robbery, a violation of R.C. 2911.02(A)(2).”

It is ordered by the Court that the Clerk shall issue an order for the transmittal of the record from the Court of Appeals for Lucas County.

(Lucas County Court of Appeals; No. L071224)



THOMAS J. MOYER
Chief Justice