

The Supreme Court of Ohio

FILED

JAN 25 2011

CLERK OF COURT
SUPREME COURT OF OHIO

State of Ohio

Case No. 2010-1748

v.

JUDGMENT ENTRY

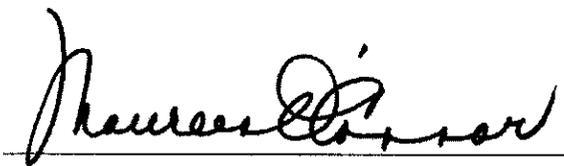
Kevin L. Alsup

APPEAL FROM THE
COURT OF APPEALS

Upon consideration of the jurisdictional memoranda filed in the case, the Court hereby accepts the appeal and the judgment of the court of appeals is vacated on the authority of *State v. Johnson*, ___ Ohio St.3d ___, 2010-Ohio-6314, ___ N.E.2d ___. This cause is remanded to the court of appeals for application of our decision in *State v. Johnson*.

It is further ordered that a mandate be sent to the Court of Appeals for Montgomery County by certifying a copy of this judgment entry and filing it with the Clerk of the Court of Appeals for Montgomery County.

(Montgomery County Court of Appeals; No. 23641)



Maureen O'Connor
Chief Justice