

[Cite as *State v. Yates*, 2004-Ohio-5136.]

\*\*\*Please see vacated opinion at *State v. Yates*, 2004-Ohio-4863, and replacement opinion at *State v. Yates*, 2004-Ohio-5015..\*\*\*

STATE OF OHIO	)	IN THE COURT OF APPEALS
	)SS.	
COUNTY OF ASHTABULA	)	ELEVENTH DISTRICT

STATE OF OHIO,

Plaintiff-Appellee,

- VS -

DARREN M. YATES,

Defendant-Appellant.

**JUDGMENT ENTRY**

**CASE NO. 2004-A-0042**

{¶ 1} This Court, sua sponte, vacates its Memorandum Opinion for this case released September 13, 2004.

{¶ 2} It is further ordered, sua sponte, that the attached majority Memorandum Opinion be entered for that vacated.

{¶ 3} The Clerk of Courts is instructed to strike the Memorandum Opinion of September 13, 2004, and substitute the attached Memorandum Opinion.

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JUDGE CYNTHIA WESTCOTT RICE  
FOR THE COURT