

[Cite as *State v. Roy*, 128 Ohio St.3d 340, 2011-Ohio-544.]

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

[Cite as *State v. Roy*, 128 Ohio St.3d 340, 2011-Ohio-544.]

Discretionary appeal accepted, judgment of the court of appeals vacated in part, and cause remanded to the court of appeals for application of State v. Johnson.

(No. 2010-1877 — Submitted January 18, 2011 — Decided February 10, 2011.)

APPEAL from the Court of Appeals for Butler County,

No. CA2009-11-290, 2010-Ohio-4405.

{¶ 1} The discretionary appeal is accepted on Proposition of Law No. I.

{¶ 2} The portion of the judgment of the court of appeals addressing appellant's sixth assignment of error below is vacated on the authority of *State v. Johnson*, 128 Ohio St.3d 153, 2010-Ohio-6314, 942 N.E.2d 1061, and the cause is remanded to the court of appeals for application of our decision in *State v. Johnson*.

O'CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O'DONNELL, LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

William F. Oswald Jr., for appellant.
