

[Cite as *State v. Briscoe*, 124 Ohio St.3d 117, 2009-Ohio-6540.]

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

[Cite as *State v. Briscoe*, 124 Ohio St.3d 117, 2009-Ohio-6540.]

Court of appeals' judgment affirmed on the authority of State v. Lester.

(No. 2009-0089 — Submitted September 30, 2009 — Decided
December 17, 2009.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 89979,
2008-Ohio-6276.

{¶ 1} The judgment of the court of appeals is affirmed on the authority
of *State v. Lester*, 123 Ohio St.3d 396, 2009-Ohio-4225, 916 N.E.2d 1038.

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

William D. Mason, Cuyahoga County Prosecuting Attorney, and Lisa
Reitz Williamson, Assistant Prosecuting Attorney, for appellee.

Timothy Young, Ohio Public Defender, and Jeremy J. Masters, Assistant
Public Defender, for appellant.
