

**THE STATE OF OHIO, APPELLEE, v. GOODSON, APPELLANT.**

**[Cite as *State v. Goodson*, 130 Ohio St.3d 82, 2011-Ohio-4729.]**

*Motion for reconsideration granted, discretionary appeal granted, and cause remanded to the court of appeals for application of State v. Johnson.*

(No. 2011-0496—Submitted August 8, 2011—Decided September 22, 2011.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 94954, 2011-Ohio-722.

ON MOTION FOR RECONSIDERATION

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{¶ 1} Appellant has filed a motion for reconsideration of the court's denial of the discretionary appeal in this matter, reported at 128 Ohio St.3d 1557, 2011-Ohio-2905, 949 N.E.2d 43.

{¶ 2} The motion for reconsideration is granted. The discretionary appeal is accepted. The cause is remanded to the court of appeals for application of our decision in *State v. Johnson*, 128 Ohio St.3d 153, 2010-Ohio-6314, 942 N.E.2d 1061.

LUNDBERG STRATTON, O'DONNELL, LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

O'CONNOR, C.J., and PFEIFER, J., dissent.

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William D. Mason, Cuyahoga County Prosecuting Attorney, for appellee.

Robert L. Tobik, Cuyahoga County Public Defender, and Cullen Sweeney, Assistant Public Defender, for appellant.

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