

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

[Cite as *State v. Jackson*, 122 Ohio St.3d 1235, 2009-Ohio-4087.]

Cause remanded to the court of appeals for further proceedings to apply State v. Pasqualone.

(No. 2009-0099 — Submitted June 16, 2009 — Decided August 20, 2009.)

APPEAL from the Court of Appeals for Ashtabula County, No. 2007-A-0079,
2008-Ohio-6976.

ON MOTION TO REVERSE AND REMAND.

{¶ 1} We accepted this discretionary appeal on April 22, 2009. 121 Ohio St.3d 1449, 2009-Ohio-1820, 904 N.E.2d 900. On May 20, 2009, appellant filed a motion to reverse the judgment of the court of appeals on the authority of *State v. Pasqualone*, 121 Ohio St.3d 186, 2009-Ohio-315, 903 N.E.2d 270, and remand the cause to the court of appeals. Appellee has also filed a motion for leave to file a delayed cross-appeal.

{¶ 2} Appellant’s motion is granted in part. The cause is remanded to the court of appeals for further proceedings to apply *State v. Pasqualone* to the court of appeals’ holding on appellee’s (appellant below) third assignment of error.

{¶ 3} Appellee’s motion for leave to file a delayed cross-appeal is denied.

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

Thomas L. Sartini, Ashtabula County Prosecuting Attorney, and Shelley M. Pratt, Assistant Prosecuting Attorney, for appellant.

SUPREME COURT OF OHIO

James R. Willis, for appellee.

Richard Cordray, Attorney General, Benjamin C. Mizer, Solicitor General,
and Elisabeth A. Long and Kimberly A. Olson, Deputy Solicitors, for amicus
curiae, Ohio Attorney General.
