

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

[Cite as *State v. Porter*, 124 Ohio St.3d 1237, 2010-Ohio-727.]

Motion for reconsideration granted, discretionary appeal accepted, and court of appeals' judgment affirmed on the authority of State v. Singleton.

(No. 2009-1252 — Submitted December 1, 2009 — Decided March 4, 2010.)

APPEAL from the Court of Appeals for Pickaway County, No. 08CA26,
2009-Ohio-3112.

ON MOTION FOR RECONSIDERATION

{¶ 1} The motion for reconsideration is granted to the following extent:
The discretionary appeal is accepted on Proposition of Law No. II.

{¶ 2} The judgment of the court of appeals is affirmed on the authority
of *State v. Singleton*, 124 Ohio St.3d 173, 2009-Ohio-6434, 920 N.E.2d 958.

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

LANZINGER, J., concurs for the reasons stated in her concurring opinion in
State v. Fuller, 124 Ohio St.3d 543, 2010-Ohio-726.

PFEIFER, J., dissents for the reasons stated in his dissenting opinion in
State v. Fuller, 124 Ohio St.3d 543, 2010-Ohio-726.

Judy C. Wolford, Pickaway County Prosecuting Attorney, and Jayme
Hartley Fountain, Assistant Prosecuting Attorney, for appellee.

Shaw & Miller and Mark J. Miller, for appellant.
