

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

[Cite as *State v. Foster*, 118 Ohio St.3d 265, 2008-Ohio-2542.]

*Certified question answered in the affirmative and court of appeals' judgment affirmed on the authority of State v. Cabrales, and cause remanded.*

(No. 2007-1585 — Submitted April 23, 2008 — Decided June 4, 2008.)

CERTIFIED by the Court of Appeals for Hamilton County, No. C-060720.

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{¶1} The certified question is answered in the affirmative and the judgment of the court of appeals is affirmed on the authority of *State v. Cabrales*, 118 Ohio St.3d 54, 2008-Ohio-1625, 886 N.E.2d 181, but the cause is remanded to the trial court for further proceedings not inconsistent with *State v. Cabrales*, including a determination as to whether the trafficking and possession offenses were committed with a separate animus under R.C. 2941.25(B).

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

LANZINGER, J., not participating.

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Joseph T. Deters, Hamilton County Prosecuting Attorney, and Tanner B. McFall, Assistant Prosecuting Attorney, for appellant.

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