

[Cite as *State v. Hughes*, 129 Ohio St.3d 340, 2011-Ohio-4036.]

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

[Cite as *State v. Hughes*, 129 Ohio St.3d 340, 2011-Ohio-4036.]

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

(No. 2010-2088 — Submitted August 8, 2011 — Decided August 16, 2011.)

APPEAL from the Court of Appeals for Hamilton County, No. C-090842.

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{¶ 1} The judgment of the court of appeals is affirmed on the authority of *State v. Mbodji*, 129 Ohio St.3d 325, 2011-Ohio-2880, 951 N.E.2d 1025.

O'CONNOR, C.J., and LUNDBERG STRATTON, LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

PFEIFER and O'DONNELL, JJ., dissent.

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Joseph T. Deters, Hamilton County Prosecuting Attorney, and Melanie J. Reising, Assistant Prosecuting Attorney, for appellee.

Shelia Kyle-Reno, Hamilton County Public Defender, and Robert R. Hastings Jr., Assistant Public Defender, for appellant.

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