

[Cite as *State v. Hines*, 135 Ohio St.3d 134, 2012-Ohio-5908.]

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

[Cite as *State v. Hines*, 135 Ohio St.3d 134, 2012-Ohio-5908.]

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

(No. 2012-0371—Submitted December 13, 2012—Decided December 18, 2012.

APPEAL from the Court of Appeals for Montgomery County,

No. 24346, 2012-Ohio-207.

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{¶ 1} The judgment of the court of appeals is affirmed on the authority of *State v. Gardner*, 135 Ohio St.3d 99, 2012-Ohio-5683, 984 N.E.2d 1025.

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

KENNEDY, J., not participating.

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Mathias H. Heck Jr., Montgomery County Prosecuting Attorney, and R. Lynn Nothstine, Assistant Prosecuting Attorney, for appellant.

Kristine E. Comunale, for appellee.

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