

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Herron*, Slip Opinion No. 2018-Ohio-4830.]

NOTICE

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SLIP OPINION NO. 2018-OHIO-4830

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

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Court of appeals' judgment affirmed on authority of State v. Carnes.

(No. 2018-0092—Submitted August 31, 2018—Decided December 7, 2018.)

APPEAL from the Court of Appeals for Montgomery County,

No. 27378, 2017-Ohio-8908.

{¶ 1} The judgment of the court of appeals is affirmed on the authority of *State v. Carnes*, ___ Ohio St.3d ___, 2018-Ohio-3256, ___ N.E.3d ___.

O'DONNELL, KENNEDY, FRENCH, FISCHER, DEWINE, and DEGENARO, JJ.,
concur.

O'CONNOR, C.J., dissents.

Mathais H. Heck Jr., Montgomery County Prosecuting Attorney, and
Andrew T. French, Assistant Prosecuting Attorney, for appellee.

SUPREME COURT OF OHIO

Timothy Young, Ohio Public Defender, and Marley C. Nelson Assistant
Public Defender, for appellant, Tahwin S. Herron.
