

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Gause*, Slip Opinion No. 2018-Ohio-4832.]

NOTICE

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SLIP OPINION NO. 2018-OHIO-4832

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

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

(No. 2018-0375—Submitted August 31, 2018—Decided December 7, 2018.)

APPEAL from the Court of Appeals for Montgomery County,

No. 27527, 2018-Ohio-313.

{¶ 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

Theresa G. Haire, Montgomery County Public Defender, and D.K. Wehner,
Assistant Public Defender, for appellant, Deonte Gause.
