

[Cite as *State v. Herron*, 155 Ohio St.3d 418, 2018-Ohio-4830.]

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

[Cite as *State v. Herron*, 155 Ohio St.3d 418, 2018-Ohio-4830.]

*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.

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{¶ 1} The judgment of the court of appeals is affirmed on the authority of *State v. Carnes*, 154 Ohio St.3d 527, 2018-Ohio-3256, 116 N.E.3d 138.

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

O'CONNOR, C.J., dissents.

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

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

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