

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Wagner*, Slip Opinion No. 2024-Ohio-5939.]

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

**SLIP OPINION NO. 2024-OHIO-5939**

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

**[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Wagner*, Slip Opinion No. 2024-Ohio-5939.]**

*Court of appeals' judgment reversed on the authority of State v. Miree and cause remanded.*

(Nos. 2022-1601 and 2022-1626—Submitted December 17, 2024—Decided December 24, 2024.)

APPEAL from and CERTIFIED by the Court of Appeals for Lake County,  
No. 2021-L-101, 2022-Ohio-4051.

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The below judgment entry of the court was joined by KENNEDY, C.J., and FISCHER, DEWINE, DONNELLY, STEWART, BRUNNER, and HAWKINS, JJ.

{¶ 1} The certified question is answered in the negative, and the judgment of the court of appeals is reversed on the authority of *State v. Miree*, 2024-Ohio-

SUPREME COURT OF OHIO

5714. The cause is remanded to the court of appeals for it to address the mooted assignment of error.

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Charles E. Coulson, Lake County Prosecuting Attorney, and Kristi L. Winner, Assistant Prosecuting Attorney, for appellant.

Henderson, Mokhtari & Weatherly, Brandon J. Henderson, and Justin M. Weatherly, for appellee, Mark R. Wagner Jr.

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