

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. 2026-OHIO-3089

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

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Smith*, Slip Opinion No. 2026-Ohio-3089.]

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

(No. 2024-1058—Submitted August 5, 2026—Decided August 14, 2026.)

APPEAL from the Court of Appeals for Hamilton County,

Nos. C-230022 and C-230023, 2024-Ohio-2187.

The below judgment of the court was joined by KENNEDY, C.J., and DEWINE, HAWKINS, and SHANAHAN, JJ. BRUNNER, J., concurred in part and dissented in part and would have dismissed the appeal as to proposition of law Nos. I and IV as having been improvidently accepted. FISCHER and DETERS, JJ., did not participate.

{¶ 1} The judgment of the First District Court of Appeals is affirmed on the authority of *State v. Polizzi*, 2026-Ohio-2588.

SUPREME COURT OF OHIO

The Law Office of Michele L. Berry, L.L.C., and Michele Berry Godsey,
for appellant, Kent Smith.
