

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Allen*, Slip Opinion No. 2011-Ohio-1838.]

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SLIP OPINION NO. 2011-OHIO-1838

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

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Judgment of the court of appeals affirmed.

(No. 2010-1342 — Submitted October 12, 2010 — Decided April 19, 2011.)

APPEAL from the Court of Appeals for Lorain County, No. 09CA009636,
2010-Ohio-2990.

{¶ 1} Sua sponte, this cause is no longer held for the decision in 2010-1216, *State ex rel. DeWine v. Burge*, 128 Ohio St.3d 236, 2011-Ohio-235, 943 N.E.2d 535.

{¶ 2} The judgment of the court of appeals is affirmed.

O'CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O'DONNELL, LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

Dennis P. Will, Lorain County Prosecuting Attorney, and Billie Jo Belcher, Assistant Prosecuting Attorney, for appellant.
