

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Hughes*, Slip Opinion No. 2011-Ohio-4036.]

NOTICE

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SLIP OPINION NO. 2011-OHIO-4036

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

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Hughes*, Slip Opinion No. 2011-Ohio-4036.]

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

(No. 2010-2088 — Submitted August 8, 2011 — Decided August 16, 2011.)

APPEAL from the Court of Appeals for Hamilton County, No. C-090842.

{¶ 1} The judgment of the court of appeals is affirmed on the authority of *State v. Mbodji*, ___ Ohio St.3d ___, 2011-Ohio-2880, ___ N.E.2d ___.

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

PFEIFER and O'DONNELL, JJ., dissent.

Joseph T. Deters, Hamilton County Prosecuting Attorney, and Melanie J. Reising, Assistant Prosecuting Attorney, for appellee.

Shelia Kyle-Reno, Hamilton County Public Defender, and Robert R. Hastings Jr., Assistant Public Defender, for appellant.
