

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

No. 12-4003

THOMAS BARTON,  
Petitioner - Appellant,  
v.WARDEN, SOUTHERN OHIO  
CORRECTIONAL FACILITY,  
Respondent - Appellee.

**FILED**  
**May 15, 2015**  
DEBORAH S. HUNT, Clerk

Before: MOORE, WHITE, and DONALD, Circuit Judges.

**JUDGMENT**On Appeal from the United States District Court  
for the Southern District of Ohio at Cincinnati.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION WHEREOF, it is ORDERED that the judgment of the district court is REVERSED, and Barton's petition for a writ of habeas corpus is CONDITIONALLY GRANTED, unless the State retries Barton within six months of the filing date of this court's opinion and judgment.

**ENTERED BY ORDER OF THE COURT**

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Deborah S. Hunt, Clerk