

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Freeman*, Slip Opinion No. 2009-Ohio-6538.]

NOTICE

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SLIP OPINION NO. 2009-OHIO-6538

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

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Freeman*, Slip Opinion No. 2009-Ohio-6538.]

Certified question answered, and court of appeals' judgment reversed on the authority of State v. Lester.

(No. 2009-1235 — Submitted September 1, 2009 — Decided
December 17, 2009.)

CERTIFIED by the Court of Appeals for Mahoning County, No. 08 MA 81,
2009-Ohio-3052.

{¶ 1} This matter is before the court upon the certification of a conflict by the Court of Appeals for the Seventh Appellate District. The court determines that a conflict exists.

{¶ 2} The certified question is answered by the court's opinion in *State v. Lester*, 123 Ohio St.3d 396, 2009-Ohio-4225, 916 N.E.2d 1038. The judgment of the court of appeals as to appellee's (appellant below) first assignment of error is reversed on the authority of *State v. Lester*.

SUPREME COURT OF OHIO

MOYER, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR,
O'DONNELL, and CUPP, JJ., concur.

LANZINGER, J., dissents.

Paul J. Gains, Mahoning County Prosecuting Attorney, and Ralph M.
Rivera, Assistant Prosecuting Attorney, for appellant.

William A. Freeman, pro se.
