

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Smith*, Slip Opinion No. 2009-Ohio-6539.]

NOTICE

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**SLIP OPINION NO. 2009-OHIO-6539**

**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. 2009-Ohio-6539.]**

*Certified question answered in the negative and court of appeals' judgment affirmed on the authority of State v. Lester.*

(Nos. 2009-0076 and 2009-0578 — Submitted September 30, 2009 — Decided December 17, 2009.)

CERTIFIED by and APPEAL from the Court of Appeals for  
Montgomery County, Nos. 21463 and 22334, 2008-Ohio-6330.

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{¶ 1} The certified question is answered in the negative and the judgment of the court of appeals is affirmed on the authority of *State v. Lester*, 123 Ohio St.3d 396, 2009-Ohio-4225, 916 N.E.2d 1038.

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

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Ronald A. Smith, pro se.

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