

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

**SLIP OPINION NO. 2011-OHIO-5162**

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

**[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Freeman*, Slip Opinion No. 2011-Ohio-5162.]**

*Court of appeals' judgment affirmed on the authority of State v. Hodge and State v. Dunlap.*

(No. 2010-1671—Submitted September 6, 2011—Decided October 12, 2011.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 91890,  
2010-Ohio-3057.

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{¶ 1} Proposition of Law No. I is dismissed, sua sponte, as having been improvidently accepted. On consideration of Proposition of Law No. IV, the judgment of the court of appeals is affirmed on the authority of *State v. Hodge*, 128 Ohio St.3d 1, 2010-Ohio-6320, 941 N.E.2d 768. On consideration of Proposition of Law No. VI, the judgment of the court of appeals is affirmed on the authority of *State v. Dunlap*, \_\_\_ Ohio St.3d \_\_\_, 2011-Ohio-4111, \_\_\_ N.E.2d \_\_\_.

SUPREME COURT OF OHIO

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

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William D. Mason, Cuyahoga County Prosecuting Attorney, and  
Katherine Mullin, Assistant Prosecuting Attorney, for appellee.

Robert L. Tobik, Cuyahoga County Public Defender, and Erika Cunliffe,  
Assistant Public Defender, for appellant.

Ron O'Brien, Franklin County Prosecuting Attorney, and Sheryl Prichard,  
Assistant Prosecuting Attorney, urging affirmance for amicus curiae, Franklin  
County Prosecuting Attorney.

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