

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Palmer*, Slip Opinion No. 2010-Ohio-224.]

NOTICE

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SLIP OPINION NO. 2010-OHIO-224

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

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Court of appeals' judgment vacated, and cause remanded to the trial court for resentencing.

(No. 2008-2047 — Submitted January 13, 2010 — Decided February 2, 2010.)

APPEAL from the Court of Appeals for Hamilton County, No. C-010583,
178 Ohio App.3d 192, 2008-Ohio-4604.

{¶ 1} The judgment of the court of appeals is vacated. The cause is remanded to the trial court for resentencing.¹

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

1. Appellee's motion to dismiss the appeal as having been improvidently granted, filed after oral argument, is denied as moot.

SUPREME COURT OF OHIO

PFEIFER and LANZINGER, JJ., dissent and would dismiss the appeal as having been improvidently accepted.

Joseph T. Deters, Hamilton County Prosecuting Attorney, and Scott M. Heenan, Assistant Prosecuting Attorney, for appellant.

Timothy Young, Ohio Public Defender, and Stephen P. Hardwick, Assistant Public Defender, for appellee.
