

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Bailey*, Slip Opinion No. 2010-Ohio-720.]

NOTICE

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**SLIP OPINION NO. 2010-OHIO-720**

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

**[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Bailey*, Slip Opinion No. 2010-Ohio-720.]**

*Court of appeals' judgment reversed on the authority of State v. Singleton.*

(No. 2007-1787 — Submitted January 13, 2010 — Decided March 4, 2010.)

APPEAL from the Court of Appeals for Hamilton County, No. C-060918.

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{¶ 1} The judgment of the court of appeals is reversed on the authority of *State v. Singleton*, 124 Ohio St.3d 173, 2009-Ohio-6434, 920 N.E.2d 958, to the extent that the court of appeals held that R.C. 2929.191 could be applied in this case. R.C. 2929.191 may not be applied to a sentence entered prior to July 11, 2006.

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

LUNDBERG STRATTON and LANZINGER, JJ., dissent for the reasons stated in the dissenting opinion of LANZINGER, J., in *State v. Singleton*.

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SUPREME COURT OF OHIO

Joseph T. Deters, Hamilton County Prosecuting Attorney, and Paula E. Adams, Assistant Prosecuting Attorney, for appellee.

Christine Y. Jones, for appellant.

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