

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Johnson*, Slip Opinion No. 2012-Ohio-975.]

NOTICE

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**SLIP OPINION NO. 2012-OHIO-975**

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

**[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Johnson*, Slip Opinion No. 2012-Ohio-975.]**

*Court of appeals' judgment vacated and cause remanded for application of United States v. Jones.*

(No. 2011-0033—Submitted October 19, 2011—Decided March 13, 2012.)

APPEAL from the Court of Appeals for Butler County, No. CA2009-12-307,  
190 Ohio App.3d 750, 2010-Ohio-5808.

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{¶ 1} The judgment of the court of appeals is vacated, and the cause is remanded to the court of common pleas for application of *United States v. Jones*, \_\_\_ U.S. \_\_\_, 132 S.Ct. 945, \_\_\_ L.Ed.2d \_\_\_ (2012).

{¶ 2} Appellee's motion for supplemental briefing is denied.

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

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SUPREME COURT OF OHIO

Michael T. Gmoser, Butler County Prosecuting Attorney, Michael A. Oster Jr., Chief, Appellate Division, and Donald R. Caster, Assistant Prosecuting Attorney, for appellee.

Arenstein & Gallagher and William R. Gallagher, for appellant.

Ravert J. Clark, urging reversal for amici curiae National Association of Criminal Defense Lawyers, Electronic Frontier Foundation, and Center for Democracy and Technology.

Norman L. Reimer, Executive Director, and Michael W. Price, National Security Coordinator; and Vladeck, Waldman, Elias & Engelhard, P.C., and Susan J. Walsh, urging reversal for amicus curiae National Association of Criminal Defense Lawyers.

Timothy Young, Ohio Public Defender, urging reversal for amicus curiae Office of the Ohio Public Defender.

Cullen Sweeney, urging reversal for amicus curiae Ohio Association of Criminal Defense Lawyers.

H. Louis Sirkin and Jennifer M. Kinsley, urging reversal for amicus curiae First Amendment Lawyers Association.

Gamso, Helmick & Hoolahan, and Jeffrey M. Gamso, urging reversal for amicus curiae American Civil Liberties Union of Ohio Foundation, Inc.

Jack A. Guttenberg and Daniel T. Kobil, Professors of Law, Capital University Law School, amici curiae, urging reversal.

Lewis R. Katz, Professor of Law, Case Western Reserve University School of Law, amicus curiae, urging reversal.

Margery M. Koosed, Professor of Law, University of Akron School of Law, amicus curiae, urging reversal.

Janet Moore, Visiting Assistant Professor of Law, University of Cincinnati College of Law, amicus curiae, urging reversal.

January Term, 2012

John B. Quigley, Professor of Law, Moritz College of Law, Ohio State University, amicus curiae, urging reversal.

Richard B. Saphire, Professor of Law, University of Dayton School of Law, amicus curiae, urging reversal.

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