

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Chandler*, Slip Opinion No. 2012-Ohio-5735.]

NOTICE

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SLIP OPINION NO. 2012-OHIO-5735

STATE v. CHANDLER.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Chandler*, Slip Opinion No. 2012-Ohio-5735.]

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

(No. 2011-1733—Submitted December 4, 2012—Decided December 6, 2012.)

APPEAL from the Court of Appeals for Stark County,

No. 2010-CA-00295, 2011-Ohio-4387.

{¶ 1} Sua sponte, the judgment of the court of appeals is reversed on the authority of *State v. Billiter*, ___ Ohio St.3d ___, 2012-Ohio-5144, ___ N.E.2d ___, and the cause is remanded to the court of appeals for further proceedings consistent with this court's opinion in *State v. Billiter*.

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

LUNDBERG STRATTON and LANZINGER, JJ., dissent for the reasons stated in their separate opinions in *State v. Billiter*.

SUPREME COURT OF OHIO

John D. Ferrero, Stark County Prosecuting Attorney, and Renee M. Watson, Assistant Prosecuting Attorney, for appellee.

Timothy Young, Ohio Public Defender, and E. Kelly Mihocik, Assistant Public Defender, for appellant.
