

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Sullivan*, Slip Opinion No. 2012-Ohio-1985.]

NOTICE

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SLIP OPINION NO. 2012-OHIO-1985

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

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

(Nos. 2011-1870 and 2011-1871—Submitted April 4, 2012—Decided May 10, 2012.)

APPEAL from and CERTIFIED by the Court of Appeals for Fairfield County,
No. 2010-CA-52, 2011-Ohio-4967.

{¶ 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, 181 L.Ed.2d 911 (2012).

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

PFEIFER, J., dissents.

SUPREME COURT OF OHIO

PFEIFER, J., dissenting.

{¶ 2} I would affirm the judgment of the court of appeals on the authority of *United States v. Jones*, 132 S.Ct. 945, 181 L.Ed.2d 911 (2012).

Gregg Marx, Fairfield County Prosecuting Attorney, and Jocelyn S. Kelly,
Assistant Prosecuting Attorney, for appellant.
