

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Gates*, Slip Opinion No. 2012-Ohio-1221.]

NOTICE

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**SLIP OPINION NO. 2012-OHIO-1221**

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

**[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Gates*, Slip Opinion No. 2012-Ohio-1221.]**

*Judgment of the court of appeals reversed, and cause remanded to the court of appeals for application of State v. Smith.*

(No. 2012-0030—Submitted March 21, 2012—Decided March 27, 2012.)

CERTIFIED by the Court of Appeals for Portage County, No. 2011-P-0001,  
2011-Ohio-5711.

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{¶ 1} The judgment of the court of appeals is reversed, and the cause is remanded to the court of appeals for application of our decision in *State v. Smith*, \_\_\_ Ohio St.3d \_\_\_, 2012-Ohio-781, \_\_\_ N.E.2d \_\_\_.

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

Pamela J. Holder, Assistant Prosecuting Attorney, Portage County  
Prosecutors Office, for appellee.

Neil P. Agarwal, for appellant.

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