

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Hines*, Slip Opinion No. 2012-Ohio-5908.]

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

SLIP OPINION NO. 2012-OHIO-5908

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

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Hines*, Slip Opinion No. 2012-Ohio-5908.]

Court of appeals' judgment affirmed on the authority of State v. Gardner.

(No. 2012-0371—Submitted December 13, 2012—Decided December 18, 2012.)

APPEAL from the Court of Appeals for Montgomery County,

No. 24346, 2012-Ohio-207.

{¶ 1} The judgment of the court of appeals is affirmed on the authority of *State v. Gardner*, ___ Ohio St.3d ___, 2012-Ohio-5683, ___ N.E.2d ___.

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

KENNEDY, J., not participating.

Mathias H. Heck Jr., Montgomery County Prosecuting Attorney, and R. Lynn Nothstine, Assistant Prosecuting Attorney, for appellant.

Kristine E. Comunale, for appellee.
