

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Rucker*, Slip Opinion No. 2012-Ohio-5633.]

SLIP OPINION NO. 2012-OHIO-5633

STATE v. RUCKER.

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(Nos. 2012-1097 and 2012-1218—Submitted December 5, 2012—Decided December 6, 2012.)

APPEAL from and CERTIFIED by the Court of Appeals of Summit County,
No. 26212, 2012-Ohio-2176.

{¶ 1} The judgment of the court of appeals is affirmed in part and reversed in part on the authority of *State v. Moore*, ___ Ohio St.3d ___, 2012-Ohio-5479, ___ N.E.2d ___. The cause is remanded to the trial court for resentencing regarding the mandatory fine.

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

Sherri Bevan Walsh, Summit County Prosecuting Attorney, and Richard S. Kasay, Assistant Prosecuting Attorney, for Appellee.

Dewitt Rucker, pro se.
