

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Davis*, Slip Opinion No. 2012-Ohio-5761.]

NOTICE

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**SLIP OPINION NO. 2012-OHIO-5761**

**STATE v. DAVIS.**

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Davis*, Slip Opinion No. 2012-Ohio-5761.]

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

(No. 2012-1514 & 2012-1528—Submitted December 4, 2012—Decided December 7, 2012.)

APPEAL from and CERTIFIED by the Court of Appeals for Cuyahoga County,  
No. 97636, 2012-Ohio-3570.

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{¶ 1} The judgment of the court of appeals is affirmed on the authority of *State v. Howard*, \_\_\_ Ohio St.3d \_\_\_, 2012-Ohio-5738, \_\_\_ N.E.2d \_\_\_.

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

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William D. Mason, Cuyahoga County Prosecuting Attorney, and Daniel T. Van and James M. Rice, Assistant Prosecuting Attorneys, for appellant.

Robert L. Tobik, Cuyahoga County Public Defender, and Cullen Sweeney, Assistant Public Defender, for appellee.

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