

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Clark*, Slip Opinion No. 2015-Ohio-3580.]

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

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(No. 2012-0215—Submitted August 11, 2015—Decided September 3, 2015.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 96207,  
2011-Ohio-6623.

ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES

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{¶ 1} This court issued its judgment in this cause affirming the judgment of the Cuyahoga County Court of Appeals on October 30, 2013. *State v. Clark*, 137 Ohio St.3d 346, 2013-Ohio-4731, 999 N.E.2d 592.

{¶ 2} On June 18, 2015, the Supreme Court of the United States reversed this court's judgment and remanded the cause to this court for further proceedings. *Ohio v. Clark*, \_\_\_ U.S. \_\_\_, 135 S.Ct. 2173, 192 L.Ed.2d 306.

{¶ 3} On review of the order of the Supreme Court of the United States, we remand this cause to the court of appeals to consider defendant-appellee Darius Clark's assignments of error, which the court of appeals had determined to

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be moot. *See State v. Clark*, 8th Dist. Cuyahoga No. 96207, 2011-Ohio-6623, ¶ 72.

O'CONNOR, C.J., and PFEIFER, O'DONNELL, LANZINGER, KENNEDY, FRENCH, and O'NEILL, JJ., concur.

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Timothy J. McGinty, Cuyahoga County Prosecuting Attorney, and Matthew E. Meyer, Assistant Prosecuting Attorney, for appellant.

Robert L. Tobik, Cuyahoga County Public Defender, and Jeffrey M. Gamsco and Erika Cunliffe, Assistant Public Defenders, for appellee.

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