

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Schmick*, Slip Opinion No. 2015-Ohio-3924.]

NOTICE

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**SLIP OPINION NO. 2015-OHIO-3924**

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

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Schmick*, Slip Opinion No. 2015-Ohio-3924.]

*Judgment reversed and cause remanded on the authority of State v. Rogers.*

(No. 2013-1852—Submitted August 11, 2015—Decided September 29, 2015.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 99262,  
2013-Ohio-4488.

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{¶ 1} The judgment of the court of appeals is reversed, and the cause is remanded to the Cuyahoga County Court of Common Pleas on the authority of *State v. Rogers*, Slip Opinion No. 2015-Ohio-2459.

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

O’NEILL, J., dissents.

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SUPREME COURT OF OHIO

Timothy J. McGinty, Cuyahoga County Prosecuting Attorney, and Joseph J. Ricotta and Adam M. Chaloupka, Assistant Prosecuting Attorneys, for appellant.

John P. Parker, for appellee.

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