

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Wimbush*, Slip Opinion No. 2016-Ohio-4855.]

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. 2016-OHIO-4855**

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

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Wimbush*, Slip Opinion No. 2016-Ohio-4855.]

*Court of appeals' judgment reversed and cause remanded for further proceedings consistent with State v. Heinz.*

(No. 2014-1776—Submitted June 1, 2016—Decided July 11, 2016.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 101858.

---

{¶ 1} The judgment of the court of appeals is reversed, and the cause is remanded for further proceedings consistent with our decision in *State v. Heinz*, \_\_\_ Ohio St.3d \_\_\_, 2016-Ohio-2814, \_\_\_ N.E.3d \_\_\_.

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

---

Timothy J. McGinty, Cuyahoga County Prosecuting Attorney, and T. Allan Regas and Frank Romeo Zeleznikar, Assistant Prosecuting Attorneys, for appellant.

SUPREME COURT OF OHIO

