

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Wheeler*, Slip Opinion No. 2016-Ohio-4860.]

NOTICE

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**SLIP OPINION NO. 2016-OHIO-4860**

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

**[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Wheeler*, Slip Opinion No. 2016-Ohio-4860.]**

*Court of appeals' judgment reversed and cause remanded for application of State v. Heinz.*

(No. 2015-1455—Submitted June 1, 2016—Decided July 11, 2016.)

APPEAL from the Court of Appeals for Cuyahoga County,

Nos. 102182 and 102183, 2015-Ohio-3231.

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{¶ 1} The judgment of the court of appeals is reversed, and the cause is remanded for application of *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.

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SUPREME COURT OF OHIO

Timothy J. McGinty, Cuyahoga County Prosecuting Attorney, and Mary H. McGrath and Frank Romeo Zeleznikar, Assistant Prosecuting Attorneys, for appellant.

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