

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Kepler*, Slip Opinion No. 2017-Ohio-7857.]

NOTICE

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**SLIP OPINION NO. 2017-OHIO-7857**

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

**[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Kepler*, Slip Opinion No. 2017-Ohio-7857.]**

*Court of appeals' judgment reversed on the authority of State v. Grimes and cause remanded.*

(No. 2016-0213—Submitted June 7, 2017—Decided September 28, 2017.)

APPEAL from the Court of Appeals for Muskingum County, No. CT2015-0021,  
2015-Ohio-3291.

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{¶ 1} The judgment of the court of appeals is reversed on the authority of *State v. Grimes*, \_\_\_ Ohio St.3d \_\_\_, 2017-Ohio-2927, \_\_ N.E.3d \_\_\_, and this cause is remanded to the trial court for further proceedings consistent with our decision in *Grimes*.

O'CONNOR, C.J., and O'DONNELL, O'NEILL, and FISCHER, JJ., concur.

KENNEDY, FRENCH, and DEWINE, JJ., concur in judgment only.

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SUPREME COURT OF OHIO

D. Michael Haddox, Muskingum County Prosecuting Attorney, and Gerald V. Anderson II, Assistant Prosecuting Attorney, for appellant.

Timothy Young, Ohio Public Defender, and Katherine R. Ross-Kinzie, Assistant Public Defender, for appellee.

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