

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Sally*, Slip Opinion No. 2018-Ohio-4826.]

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. 2018-OHIO-4826**

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

**[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Sally*, Slip Opinion No. 2018-Ohio-4826.]**

*Court of appeals' judgment affirmed on authority of State v. Carnes.*

(No. 2017-1750—Submitted August 31, 2018—Decided December 7, 2018.)

APPEAL from the Court of Appeals for Hamilton County,

No. C-170136.

---

{¶ 1} The judgment of the court of appeals is affirmed on the authority of *State v. Carnes*, \_\_\_ Ohio St.3d \_\_\_, 2018-Ohio-3256, \_\_\_ N.E.3d \_\_\_.

O'DONNELL, KENNEDY, FRENCH, FISCHER, DEWINE, and DEGENARO, JJ.,  
concur.

O'CONNOR, C.J., dissents.

---

Joseph T. Deters, Hamilton County Prosecuting Attorney, and Scott M. Heenan, Assistant Prosecuting Attorney, for appellee.

SUPREME COURT OF OHIO

Raymond T. Faller, Hamilton County Public Defender, and Joshua A. Thompson, Assistant Public Defender, for appellant, Carvell Sally.

---