State of Ohio	Case No. 2007-1203
v.	JUDGMENT ENTRY
Brian L. Balderson	APPEAL FROM THE COURT OF APPEALS

This cause, here on appeal from the Court of Appeals for Stark County, was considered in the manner prescribed by law. On consideration thereof, as to Proposition of Law No. I, the judgment of the court of appeals is affirmed on the authority of *State v. Simpkins*, 117 Ohio St.3d 420, 2008-Ohio-1197, ___N.E.2d ___.

It is further ordered by the Court that Proposition of Law No. II is dismissed, sua sponte, as having been improvidently accepted.

It is further ordered that a mandate be sent to the Court of Common Pleas for Stark County to carry this judgment into execution and that a copy of this entry be certified to the Clerk of the Court of Appeals for Stark County for entry.

(Stark County Court of Appeals; No. 2006CA00226)

THOMAS J. MOYER
Chief Justice