

FILED

The Supreme Court of Ohio

FEB 02 2010

CLERK OF COURT
SUPREME COURT OF OHIO

State of Ohio

Case No. 2008-2047

v.

JUDGMENT ENTRY

Toby Palmer

APPEAL FROM THE
COURT OF APPEALS

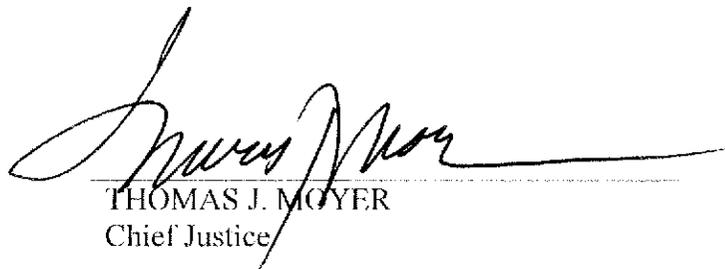
This cause, here on appeal from the Court of Appeals for Hamilton County, was considered in the manner prescribed by law. On consideration thereof, the judgment of the court of appeals is vacated, and this cause is remanded to the trial court for resentencing, consistent with the opinion rendered herein.

It is further ordered that a mandate be sent to the Court of Common Pleas for Hamilton 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 Hamilton County for entry.

Upon consideration of appellee's motion for leave to file a motion to dismiss as improvidently allowed

It is ordered by the Court that the motion for leave to file a motion to dismiss is denied as moot.

(Hamilton County Court of Appeals; No. C010583)


THOMAS J. MOYER
Chief Justice