

FILED

The Supreme Court of Ohio

AUG 27 2010

CLERK OF COURT  
SUPREME COURT OF OHIO

State of Ohio

Case No. 2009-0311

v.

JUDGMENT ENTRY

Gregory Horner

CERTIFIED CONFLICT FROM  
THE COURT OF APPEALS

This cause, here on a certification of a conflict by the Court of Appeals for Lucas County, was considered in the manner prescribed by law. On consideration thereof, we respond to the certified question by holding that *Colon I*, 118 Ohio St.3d 26, 2008-Ohio-1624, 885 N.E.2d 917, and *State v. Colon*, 119 Ohio St.3d 204, 2008-Ohio-3749, 893 N.E.2d 169, are inapplicable to the offense of aggravated robbery in violation of R.C. 2911.01(A)(3), consistent with the opinion rendered herein.

It is further ordered that a mandate be sent to the Court of Appeals for Lucas County by certifying a copy of this judgment entry and filing it with the Clerk of the Court of Appeals for Lucas County.

(Lucas County Court of Appeals; No. L071224)



ERIC BROWN  
Chief Justice