

FILED

NOV 02 2010

CLERK OF COURT
SUPREME COURT OF OHIO

The Supreme Court of Ohio

State of Ohio

v.

Frank Robert Hamilton, III

Case No. 2009-1878

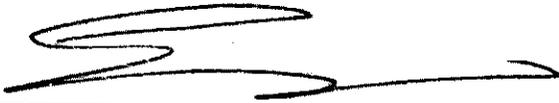
JUDGMENT ENTRY

APPEAL FROM THE
COURT OF APPEALS

This cause, here on appeal from the Court of Appeals for Montgomery County, was considered in the manner prescribed by law. On consideration thereof, the certified question is answered in the affirmative and the judgment of the court of appeals is reversed on the authority of *State v. Horner*, 126 Ohio St.3d 466, 2010-Ohio-3830, 935 N.E.2d 26.

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

(Montgomery County Court of Appeals; No. 22895)



ERIC BROWN
Chief Justice