

[Cite as *State v. Gates*, 131 Ohio St.3d 372, 2012-Ohio-1221.]

THE STATE OF OHIO, APPELLEE, v. GATES, APPELLANT.

[Cite as *State v. Gates*, 131 Ohio St.3d 372, 2012-Ohio-1221.]

Judgment of the court of appeals reversed, and cause remanded to the court of appeals for application of State v. Smith.

(No. 2012-0030—Submitted March 21, 2012—Decided March 27, 2012.)

CERTIFIED by the Court of Appeals for Portage County, No. 2011-P-0001,
2011-Ohio-5711.

{¶ 1} The judgment of the court of appeals is reversed, and the cause is remanded to the court of appeals for application of our decision in *State v. Smith*, 131 Ohio St.3d 297, 2012-Ohio-781, 964 N.E.2d 423.

O’CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O’DONNELL, LANZINGER, CUPP, and MCGEE BROWN, JJ., concur.

Pamela J. Holder, Portage County Assistant Prosecuting Attorney, for appellee.

Neil P. Agarwal, for appellant.
