

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Sims*, Slip Opinion No. 2024-Ohio-5175.]

NOTICE

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SLIP OPINION NO. 2024-OHIO-5175

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

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Sims*, Slip Opinion No. 2024-Ohio-5175.]

Court of appeals' judgment reversed and cause remanded for application of State v. Mays.

(No. 2024-0228—Submitted October 22, 2024—Decided October 31, 2024.)

APPEAL from the Court of Appeals for Hamilton County,

No. C-230274, 2023-Ohio-4711.

The below judgment of the court was joined by KENNEDY, C.J., and FISCHER, DEWINE, and DETERS, JJ. DONNELLY, STEWART, and BRUNNER, JJ., dissented and would affirm the court of appeals' judgment for the reasons set forth in Justice Brunner's dissenting opinion in *Mays*.

SUPREME COURT OF OHIO

{¶ 1} The judgment of the First District Court of Appeals is reversed, and the cause is remanded to that court for application of *State v. Mays*, 2024-Ohio-4616.

Melissa A. Powers, Hamilton County Prosecuting Attorney, and Sean M. Donovan, Assistant Prosecuting Attorney, for appellant.

Derek W. Gustafson for appellee, Branden Sims.
