

**THE STATE OF OHIO, APPELLEE, v. MOORE, APPELLANT.**

**[Cite as *State v. Moore*, 120 Ohio St.3d 355, 2008-Ohio-6319.]**

*Court of appeals' judgment affirmed on the authority of State v. Kalish.*

(No. 2008-0109 — Submitted October 14, 2008 — Decided December 11, 2008.)

APPEAL from the Court of Appeals for Lake County,

No. 2007-L-055, 2007-Ohio-6409.

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{¶ 1} The judgment of the court of appeals is affirmed on the authority of *State v. Kalish*, 120 Ohio St.3d 23, 2008-Ohio-4912, 896 N.E.2d 124.

MOYER, C.J., and PFEIFER, O'CONNOR, O'DONNELL, LANZINGER, and CUPP, JJ., concur.

LUNDBERG STRATTON, J., dissents.

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Charles E. Coulson, Lake County Prosecuting Attorney, and Alana A. Rezaee, Assistant Prosecuting Attorney, for appellee.

R. Paul LaPlante, Lake County Public Defender, and Vanessa R. Clapp, Supervising Attorney, for appellant.

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