The Supreme Court of Ohio

FEB 23 2011

CLERK OF COURT SUPREME COURT OF OHIO

FILED

State of Ohio ex rel. Dennesou populor APPEALS

Case No. 2010-1655

V.

MAR 1 4 2011

JUDGMENT ENTRY

Dwayne Wenninger

APPEAL FROM THE COURT OF APPEALS

TINA M. MERANDA BROWN COUNTY CLERK OF COURTS

This cause, here on appeal from the Court of Appeals for Brown County, was considered in the manner prescribed by law. On consideration thereof, the judgment of the court of appeals is reversed and this cause is remanded to the court of appeals for further proceedings consistent with the opinion rendered herein.

Upon consideration of the appellant's request for oral argument, it is ordered by the Court that the request is denied.

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

(Brown County Court of Appeals; No. CA200902010)

Maureen O'Connor Chief Justice

the judgment entry of the Supreme Court of Ohio filed on 2/23/11 In Case No 10/15/15 and constitutes the mandate of the Court under S. CL. Prac. R. XI. Section 4

In witness I have subscribed invitame and affixed the seal of the Supreme Court of Ohio on this 2/2 day of

Clerk of Court

, Deputy Clerk

9436