

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

**[Cite as *State v. Alvarez*, 104 Ohio St.3d 263, 2004-Ohio-6405.]**

*Criminal law — Prosecution for escape — Court of appeals’ judgment reversed  
and conviction reinstated on the authority of State v. Thompson.*

(No. 2004-0289 — Submitted November 30, 2004 — Decided December 8,  
2004.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 82337, 2003-Ohio-  
6888.

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{¶1} The judgment of the court of appeals is reversed on the authority of  
*State v. Thompson*, 102 Ohio St.3d 287, 2004-Ohio-2946, 809 N.E2d 1134, the  
conviction is reinstated, and the cause is remanded to the trial court for execution  
of sentence.

MOYER, C.J., RESNICK, LUNDBERG STRATTON, O’CONNOR and  
O’DONNELL, JJ., concur.

F.E. SWEENEY and PFEIFER, JJ., dissent.

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William D. Mason, Cuyahoga County Prosecuting Attorney, and Jon W.  
Oebker, Assistant Prosecuting Attorney, for appellant.

Robert L. Tobik, Cuyahoga County Public Defender, and John T. Martin,  
Assistant Public Defender, for appellee.

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