

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

[Cite as *State v. Centafanti*, 120 Ohio St.3d 275, 2008-Ohio-6102.]

Cause remanded for further proceedings.

(No. 2007-1744 — Submitted September 30, 2008 — Decided
December 2, 2008.)

APPEAL from the Court of Appeals for Stark County,
No. 2007-CA-00044, 2007-Ohio-4036.

{¶ 1} The trial court order and the opinion of the court of appeals in this case were premised upon the application of R.C. 2941.401. Because appellee was incarcerated in a federal prison in Ohio rather than in a “correctional institution of this state,” see R.C. 2941.401 and 2967.01, R.C. 2941.401 does not apply.

{¶ 2} Accordingly, this case is remanded to the court of appeals for further proceedings to determine the statute that properly applies and whether the requirements of that statute were satisfied.

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

John D. Ferrero, Stark County Prosecuting Attorney, and Kathleen O. Tatarsky and Renee M. Watson, Assistant Prosecuting Attorneys, for appellant.

Tammi R. Johnson, Stark County Public Defender, and Jean A. Madden, Assistant Public Defender, for appellee.

Timothy Young, Ohio Public Defender, and John Fenlon, Assistant State Public Defender, for amicus curiae Ohio Public Defender, urging that the cause be dismissed as having been improvidently accepted.
