

[Cite as *State v. Tuttle*, 104 Ohio St.3d 242, 2004-Ohio-6392.]

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

[Cite as *State v. Tuttle*, 104 Ohio St.3d 242, 2004-Ohio-6392.]

Criminal law — Prosecution for escape — Court of appeals' judgment reversed and cause remanded on the authority of State v. Thompson.

(No. 2003-0573 — Submitted November 30, 2004 — Decided December 8, 2004.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 80775, 2003-Ohio-419.

{¶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.E.2d 1134, and the cause is remanded to the court of appeals for consideration of appellant's remaining assignments of error and further action not inconsistent with *State v. Thompson*.

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

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

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

Richard Agopian, for appellee.
