

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

[Cite as *State v. Thomas*, 124 Ohio St.3d 412, 2010-Ohio-577.]

Judgment of the court of appeals vacated, judgment of the trial court vacated, and cause remanded to the trial court for resentencing.

(No. 2009-0630 — Submitted February 17, 2010 — Decided February 24, 2010.)

APPEAL from the Court of Appeals for Hamilton County, No. C-010724,
2009-Ohio-971.

{¶ 1} The judgment of the court of appeals entered on March 6, 2009 is vacated. The judgment of the trial court entered on May 12, 2009 resentencing appellee pursuant to the court of appeals' judgment is also vacated.

{¶ 2} The cause is remanded to the trial court for a determination of whether postrelease control was properly imposed in appellee's 2001 sentence and, if not, for resentencing.

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

LANZINGER, J., dissents and would dismiss the appeal as having been improvidently accepted.

Joseph T. Deters, Hamilton County Prosecuting Attorney, and Scott M. Heenan, Assistant Prosecuting Attorney, for appellant.
