

[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.

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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.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.

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

Richard Agopian, for appellee.

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