

ORIGINAL

IN THE SUPREME COURT OF OHIO

IN RE:

ADRIAN R.,  
DELINQUENT CHILD

Case No. 09-0189

On Appeal from the Licking  
County Court of Appeals,  
Fifth Appellate District

C.A. No. 08-CA-17

Plaintiff – Appellee’s Presentation of Additional Authorities

*Counsel for Appellee:*

*Counsel for Appellant:*

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JUVENILE COURT  
DIVISION  
670-5264

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**STATE'S PRESENTATION OF ADDITIONAL AUTHORITY**

Now comes the State of Ohio, by and through Alice L. Bond, Assistant Licking County Prosecutor, and presents herein additional authorities for the Court's consideration in the above-captioned case.

Ohio Rule of Appellate Procedure 21(H) states:

If counsel on oral argument intends to present authorities not cited in his brief, he shall, prior to oral argument, present in writing such authorities to the court and to opposing counsel.

Subsequent to the briefs filed in the within case, additional activity has occurred regarding the State of Ohio's attempts to comply with the federal Adam Walsh Act. A letter of substantial compliance was sent by the U.S. Department of Justice to the Ohio Attorney General on September 22, 2009. (States Exhibit I, attached hereto and incorporated herein), and both agencies released related press releases the following day (State's Exhibits II and III, attached hereto and incorporated herein). The State intends to present those authorities in its oral argument.



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been sent by regular U.S. Mail this 5<sup>th</sup> day of October, 2009, to Attorney for appellant at the address noted on the cover page hereto.



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U.S. Department of Justice

Office of Justice Programs

*Office of Sex Offender Sentencing, Monitoring,  
Apprehending, Registering, and Tracking*

Washington, D.C. 20531

September 22, 2009

The Honorable Richard Cordray  
Attorney General  
State of Ohio  
30 East Broad Street, 17<sup>th</sup> Floor  
Columbus, OH 43215

Dear Attorney General Cordray:

On behalf of the United States Department of Justice's Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART), I am pleased to inform you that, after a thorough review of the materials submitted, the SMART Office has determined that Ohio has substantially implemented the provisions of the Sex Offender Registration and Notification Act (SORNA), Title I of the Adam Walsh Child Protection and Safety Act of 2006. The SMART Office would like to recognize Ohio for its exceptional efforts in working to implement SORNA and to thank you and the dedicated professionals who worked so diligently on this important project.

Ohio has made great strides since our original report in January, 2009. Nevertheless, as reflected in that report, there remain a handful of outstanding issues which we encourage Ohio to address in the future and we remain committed to assisting you with these efforts.

Your jurisdiction is now an essential component of the seamless web of public sex offender databases and law enforcement information sharing envisioned by SORNA. Sex offender registration and community notification is an important part of a nationwide commitment to improving the safety of our communities. We look forward to continuing to work with you as you implement SORNA.

Sincerely,

Linda M. Baldwin  
Director

## Ohio Attorney General Richard Cordray

[Briefing Room](#) > [News Releases](#) > [September 2009](#) > Ohio Becomes First State in the U.S. to Reach Substantial Implementation of Adam Walsh Act

### NEWS RELEASES

#### Ohio Becomes First State in the U.S. to Reach Substantial Implementation of Adam Walsh Act

9/23/2009

(COLUMBUS, Ohio) – Ohio Attorney General Richard Cordray and U.S. Attorney General Eric Holder today announced that Ohio has become the first state in the nation to reach substantial implementation of the Sex Offender Registration and Notification Act (SORNA), Title I of the Adam Walsh Child Protection and Safety Act of 2006.

"We are committed to working with the remaining states, tribes and territories with their implementation efforts," said Attorney General Holder.

Attorney General Cordray said his staff has spent months working with the U.S. Department of Justice's Office of Justice Programs and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART), focusing on compliance with SORNA guidelines.

"This marks an important achievement for Ohio's families and children," said Cordray. "Effective tracking and monitoring of sex offenders equips parents with the information they need to keep their children safe. Taking deliberate steps to provide a common foundation for all the registration systems throughout the United States allows our families to make the most effective use of the information those systems provide."

Ohio's Electronic Sex Offender Registration and Notification database (eSORN) is maintained by the Ohio Attorney General and the Bureau of Criminal Identification and Investigation. The eSORN system is linked to all 88 of Ohio's sheriff's offices and all 32 correctional facility records offices operated by the Ohio Department of Rehabilitation and Correction.

The purpose of eSORN is to provide one location for all Ohio law enforcement officials to freely share information on registered sex offenders. To visit eSORN, log onto [www.OhioAttorneyGeneral.gov/SexOffenderSearch](http://www.OhioAttorneyGeneral.gov/SexOffenderSearch).

"Ohio's county sheriffs have seen first-hand the benefits of a common approach to sex offender registration," said Buckeye State Sheriffs Association Executive Director Robert Cornwell. "It has taken careful work and dedication to get Ohio's system to where it is today, and the families in each of our counties benefit from having that information available to them in a format that's consistent from one end of the state to the other."

The Ohio Association of Chiefs of Police agrees. "Ohioans can enjoy added peace of mind, knowing that our state is leading the way in substantial implementation of the SORNA guidelines," said OACP President and Brooklyn Heights Police Chief Joseph Kocab. "Sex offender registration and notification provide needed information to law enforcement as well as to the public. We're now one step closer to ensuring that the same information will be available to Ohioans within every community and eventually all across the U.S."

Following the passage of the Adam Walsh Child Protection and Safety Act of 2006, Ohio's 127th General Assembly passed Amended Substitute Senate Bill 10 in June 2007 in an effort to bring Ohio's sex offender notification laws into conformity with SORNA. Changes implemented in Ohio at that time included reclassification of Ohio sex offenders into an offense-based tier system.

States, tribes and territories that fail to substantially implement SORNA by July 26, 2010 are subject to a 10% reduction in federal Byrne Justice Assistance Grant funding.

Find [more information on SORNA and SMART](#).

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#### Media Contacts

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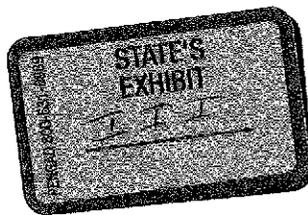
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# Department of Justice

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OPA  
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## **JUSTICE DEPARTMENT ANNOUNCES FIRST TWO JURISDICTIONS TO IMPLEMENT SEX OFFENDER REGISTRATION AND NOTIFICATION ACT**

WASHINGTON, D.C. -- The Department of Justice announced today that Ohio and the Confederated Tribes of the Umatilla Indian Reservation are the first two jurisdictions to substantially implement the Sex Offender Registration and Notification Act (SORNA), Title I of the Adam Walsh Child Protection and Safety Act of 2006.

"We are pleased to announce the first two jurisdictions to substantially implement this important legislation," said Attorney General Eric Holder. "We are committed to working with the remaining states, tribes and territories with their implementation efforts."

The State of Ohio and the Confederated Tribes of the Umatilla Indian Reservation (located in the state of Oregon) have been working diligently with the Office of Justice Programs' Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking (SMART) to achieve this milestone, according to officials from the SMART Office.

"This marks an important achievement for Ohio's families and children," said Ohio Attorney General Richard Cordray. "Effective tracking and monitoring of sex offenders equips parents with the information they need to keep their children safe. Taking deliberate steps to provide a common foundation for all the registration systems throughout the United States allows our families to make the most effective use of the information those systems provide."

While most states have had sex offender registry systems in place for more than a decade, the tribal communities only became registration jurisdictions after the passage of the Adam Walsh Act. The Umatilla Indian Reservation has made significant strides in substantially implementing the registration and notification systems in a relatively short time frame.

"We understand the importance of working together to protect our communities by creating a national system of sexual offender registries. We are pleased that the Department of Justice has deemed our sex offender registration and notification program to be in substantial compliance with the Adam Walsh Act and I am proud of the work our staff has done to get us to this point," said Antone Minthorn, Chairman of the Board of Trustees for the Confederated Tribes of the Umatilla Indian Reservation.

"We applaud the efforts of Ohio and the Umatilla Tribes, and we also would like to recognize the significant on-going effort of the other jurisdictions who are actively working to implement SORNA to improve the safety of their communities," said Linda Baldwin, Director of the SMART Office. "These jurisdictions are the first of many whose efforts will create the seamless web of public sex offender databases and law enforcement information sharing envisioned by SORNA."

Additional information can be found at [www.ojp.gov/smart](http://www.ojp.gov/smart).

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The Office of Justice Programs, headed by Acting Assistant Attorney General Mary Lou Leary, provides federal leadership in developing the nation's capacity to prevent and control crime, administer justice and assist victims. OJP has five component bureaus: the Bureau of Justice Assistance; the Bureau of Justice Statistics; the National Institute of Justice; the Office of Juvenile Justice and Delinquency Prevention; and the Office for Victims of Crime. Additionally, OJP has two program offices: the Community Capacity Development Office, which incorporates the Weed and Seed strategy, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART). More information can be found at [www.ojp.gov](http://www.ojp.gov).

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