

IN THE SUPREME COURT OF OHIO

ORIGINAL

KENNETH RAY McKINNEY,

Defendant-Appellant,

v.

STATE OF OHIO,

Plaintiff-Appellee

*
*
*
*
*
*
*
*
*
*

Case No. 2009-1864

On Appeal from the Warren
County Court of Appeals,
Twelfth Appellate District

Court of Appeals Case No.
CA2009-04-041

THE STATE OF OHIO'S RESPONSE TO THE DEFENDANT-APPELLANT'S MOTION AND
MEMORADUM IN SUPPORT OF JURISDICTION

RACHEL A. HUTZEL (0055757)
Prosecuting Attorney
Michael Greer (0084352) (Counsel of Record)
Assistant Prosecuting Attorney
Warren County Prosecutor's Office
500 Justice Drive
Lebanon, Ohio 45036
(513) 695-1325
Facsimile: (513) 695-2962
rachel.hutzel@co.warren.oh.us
michael.greer@co.warren.oh.us

COUNSEL FOR APPELLEE, STATE OF OHIO

Timothy R. Evans (0018593) (Counsel of Record)
246 North D Street
Hamilton, Ohio 45013
(513) 868-8229
Facsimile: (513) 868-2229

COUNSEL FOR APPELLANT, KENNETH RAY McKINNEY

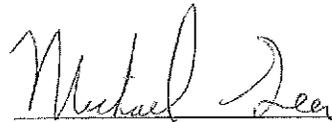
FILED
NOV 13 2009
CLERK OF COURT
SUPREME COURT OF OHIO

RECEIVED
NOV 13 2009
CLERK OF COURT
SUPREME COURT OF OHIO

**THE STATE OF OHIO'S RESPONSE TO THE DEFENDANT-APPELLANT'S MOTION AND
MEMORADUM IN SUPPORT OF JURISDICTION**

In this present case, the Appellant raises the same propositions of law as raised in *State v. Williams*, 2009-0088, and *State v. Bodyke*, 2008-2502, regarding the constitutionality of Ohio's Adam Walsh Act. This Court accepted jurisdiction over *State v. Williams* and placed that case in abeyance until this Court has decided *State v. Bodyke*. As this present case presents the same issues as in *Williams* and *Bodyke*, the State does not object to this Court accepting jurisdiction. However, while the State does not object to jurisdiction, it does not concede any of the substantive issues raised by Appellant. Furthermore, the State would ask this Court to hold this cause in abeyance pending this Court's decision in *State v. Bodyke*.

Respectfully Submitted,



Michael Greer (0084352)
Assistant Prosecuting Attorney
Warren County Prosecutor's Office
500 Justice Drive
Lebanon, Ohio 45036
(513) 695-1325

Certificate of Service

I hereby certify that I sent a copy of the foregoing, by ordinary U.S. mail, to counsel for defendant-appellant, Timothy R. Evans, 29 North D Street, Hamilton, Ohio 45013 on this 10th day of November, 2009.

A handwritten signature in cursive script that reads "Michael Greer". The signature is written in black ink and is positioned above a horizontal line.

Michael Greer (0084352)
Assistant Prosecuting Attorney
Warren County Prosecutor's Office