

ORIGINAL

IN THE SUPREME COURT OF OHIO

KEVIN CAES,

Appellant,

v.

STATE OF OHIO,

Appellee.

10-0289

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

Court of Appeals Case
No. CA2009-07-095

MEMORANDUM IN SUPPORT OF JURISDICTION
OF APPELLANT KEVIN CAES

From Denial of Petition Contesting Sex Offender Classification
Pursuant to Adam Walsh Act (Senate Bill 10)

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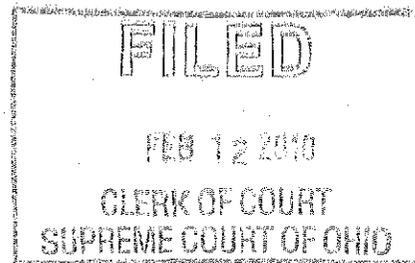


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**EXPLANATION OF WHY THIS CASE INVOLVES A SUBSTANTIAL
CONSTITUTIONAL QUESTION AND IS A CASE OF
PUBLIC OR GREAT GENERAL INTEREST**

This case involves the reclassification of Appellant, Kevin Caes, under Ohio's recently enacted sex offender classification law known as the Adam Walsh Act or Senate Bill 10, and codified in Ohio Revised Code Chapter 2950. This Court has already determined that the propositions of law presented herein are of public or great general interest or invoke substantial constitutional questions where this Court has accepted appeals in the case of *State v. Bodyk*, case no. 2008-2502, *In re Smith*, case no. 2008-1624, and numerous other cases. Appellant herein, Kevin Caes, respectfully moves the Court to consolidate his case with the above cited cases which remain pending on review by the Court.

STATEMENT OF THE CASE AND FACTS

This case originated in Montgomery County, Ohio wherein Kevin Caes, Appellant, was convicted of kidnapping, twenty-two counts of rape, three counts of felonious assault on a peace officer, failure to comply, and unlawful possession of a dangerous ordinance. *State v. Caes* (July 30, 1999), Montgomery C.P. No. 97-CR-2288. The kidnapping and rape charges involved a single alleged female victim whom appellant met on a street corner in Nashville, Tennessee and who offered appellant sexual services for hire. Appellant was sentenced in part pursuant to a sexually violent predator specification and was sentenced to a minimum sentence of 110 years to a maximum sentence of life in prison. On July 30, 1999, appellant was adjudicated a sexual predator by the trial court under the previously enacted sex offender and registration statute, also referred to as Megan's Law. See Am.Sub.H.B. No. 180 (1996), 146 Ohio Laws, Part II, 2560 ("H.B. 180"). On March 9, 2001, the Montgomery County Court of Appeals affirmed the judgment of the trial court. *State v. Caes* (March 9, 2001), Montgomery App. No. 17917. On

July 25, 2001, the Supreme Court of Ohio denied leave to appeal. *State v. Caes*, case no. 2001-0774.

On November 30, 2007, the Ohio Attorney General notified Appellant of a change in his classification under the Ohio Adam Walsh Act (Senate Bill 10) which resulted in a change in registration and community notification under the amended law. Appellant was also informed that he had the right to challenge this new classification. Subsequently, from Appellant's place of incarceration, Warren County, Ohio, and on February 11, 2008, Appellant filed a petition to contest his sexual offender reclassification pursuant to R.C. 2950.031(E) and/or R.C. 2950.032(E) and a motion for immediate relief from community notification. The petition challenged Appellant's classification under the Adam Walsh Act. A record hearing was held on July 10, 2008, before a Court Magistrate, wherein counsel represented the parties. On April 14, 2009, the Magistrate filed a decision denying the petition. Appellant filed timely objections and on June 5, 2009, the trial court adopted the Magistrate's Decision. *Caes v. State* (June 5, 2009), Warren County C.P. No. 08CV70674. Appellant appealed the decision of the trial court to the Warren County Court of Appeals and assigned the following assignments of error and issues for review:

THE TRIAL COURT ERRED TO THE PREJUDICE OF PETITIONER-APPELLANT BY DENYING THE CHALLENGE TO HIS SEX OFFENDER CLASSIFICATION UNDER THE ADAM WALSH ACT (R.C. 2950.01 ET SEQ.)

Did the classification of Petitioner-Appellant under the Adam Walsh Act (Ohio Senate Bill 10) violate his rights under the due process, double jeopardy and ex post facto provisions of the federal and Ohio constitutions, and violate the separation of powers under the Ohio constitution?

On December 30, 2009, the court of appeals affirmed the judgment of the trial court. *Caes v. State*, Warren App. No. CA2009-07-095, 2009-Ohio-6920. Judge Robert P. Ringland

concurrent in the judgment regarding the due process, ex post facto and double jeopardy arguments but dissented regarding the retroactive application of the Adam Walsh Act as a violation of the separation of powers doctrine. See dissent in *Sears v. State*, Clermont App. No. CA2008-07-068, 2009-Ohio-3541. Appellant appeals the December 30, 2009 decision and judgment in *Caes v. State* to this court.

ARGUMENTS IN SUPPORT OF PROPOSITIONS OF LAW

Proposition of Law No. I: Senate Bill 10 violates procedural and substantive rights of the Due Process Clauses of the Fourteenth Amendment and Article I, Sections 2 and 16, of the Ohio Constitution.

At his classification hearing, Appellant alleged that Senate Bill 10 violated his liberty and privacy rights because the law established restrictions upon where Appellant may reside, seek employment and access public places. Appellant further alleged that Senate Bill 10 failed to allow an adjudication that determined an individualized risk assessment or the ability to contest the imposition of the classification and registration requirements as applied to him. As is, the new law fails to comport with basic principles of fairness and due process in violation of the Fourteenth Amendment of the United States Constitution, and Article I, Sections 2 and 16, of the Ohio Constitution. A classification was imposed upon Appellant without Appellant having the opportunity to be heard – the very essence of due process. The reality of the situation is that the doors to the courthouse are closed to the Appellant. Appellant appeared in court only to have the court rubber-stamp a journal entry that had already classified and imposed burdens on him for the remainder of his life.

Courts have applied stringent standards for due process rights when administrative tribunals impose their will without providing a fair opportunity to be heard. The structure of Senate Bill 10 fails in this respect as it disallows an individual the opportunity to defend, enforce,

and protect his rights in order to establish the propriety or impropriety of the classification imposed. Due process demands a litigant hailed into court be given the opportunity to test, explain or refute any classification. *State ex rel. Wright v. Morrison* (1947), 80 Ohio App. 135, 75 N.E. 2d 106. These basic rights should also apply to the before, unheard of procedure of classifying an individual by executive letter after a legislative decree, only to be denied the right to defend against the classification in court as applied to the individual.

In upholding the previous version of Ohio Revised Code Chapter 2950 (HB 180/Megan's Law), this Court endorsed the previous version of the law as allowing for basic principles of due process. *State v. Cook* (1998), 83 Ohio St. 3d 404, 409, 1998 Ohio 291, 700 N.E. 2d 570. In *Cook*, only the trial court was permitted to impose a sexual predator label but only after the defendant was afforded the right to counsel, testify, call and cross-examine witnesses and afforded the consideration of many other relevant factors. These rights are totally absent from Senate Bill 10.

In addition to the above procedural anomaly, the substantive component of the Due Process Clause is violated. This provision "forbids the government to infringe certain 'fundamental' liberty interests *at all*, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling State interest." *Reno v. Flores* (1993), 507 U.S. 292, 301-301. Despite the absence of a fundamental liberty interest, State legislation must "rationally advance some legitimate purpose." *Reno v. Flores*, 507 U.S. 292 at 306.

Appellant is forbidden from residing within 1000 feet of a school, preschool, or child-care center. He faces the possibility of being forced from his residence if a school, pre-school or day-care center opens nearby. Appellant's ability to live and work where he chooses also infringes upon his constitutional rights. When considering matters of parental rights, courts are

unable to restrict residency requirements when the custodial parent decides to relocate anywhere in the country. *Miller v. Miller*, Henry App. No. 7-03-09, 2004 Ohio 2358. Residency restrictions inhibit Appellant's right to establish a residence of his choice, a right arguably deeply rooted in this Nation's history and tradition so as to be ranked as fundamental. *Washington v. Glucksberg* (1997), 521 U.S. 702, 720-721.

Finally, the State is unable to meet its burden of demonstrating that Senate Bill 10 is narrowly tailored, or rationally related to protecting children from sex offenders. The law imposes restrictions on all offenders regardless of any one offender's propensity to commit a sex offense and fails to determine whether the offender presents an ongoing risk to re-offend. As is, the law tends to alienate offenders and inhibits their ability to be productive citizens. Residency restrictions and community notifications do nothing more than provide the community with a false sense of security instead of protecting them.

Proposition of Law No. II: The retroactive application of Senate Bill 10 violates the Ex Post Facto Clause of the United States Constitution and the retroactivity clause of Article II, Section 28, of the Ohio Constitution.

Ex Post Facto Clause of United States Constitution:

The dramatic changes in Senate Bill 10 sex-offender classification, registration, and notification provisions that now directly link sex-offenders solely to their crime of conviction has created a registration scheme that is no longer remedial and civil in nature. The current registration provisions are punitive and emanate from the original conviction and thus are components of the sentence. Applying Senate Bill 10 to Appellant's crimes for which he was convicted before the date Senate Bill 10 was enacted violates the Ex Post Facto Clause of the United States Constitution and the Retroactivity Clause of the Ohio Constitution.

The Ex Post Facto Clause of the United States Constitution forbids any legislation that “changes the punishment, and inflicts greater punishment, than the law annexed to the crime, when committed.” *Miller v. Florida* (1987), 482 U.S. 423, 429. Ex post facto laws are prohibited in order to ensure that legislative acts “give fair warning to their effect and permit individuals to rely on their meaning until explicitly changed.” *Weaver v. Graham* (1981), 450 U.S. 24, 28-29; Section 10, Article I of the United States Constitution. A law disadvantages an offender when it is “more onerous than the prior law.” *Weaver v. Graham*.

Courts in Ohio use the “intent-effects test” to differentiate between criminal and civil statutes when performing an ex post facto analysis to registration and notification statutes. *State v. Cook* (1998), 83 Ohio St.3d 404, 415-417. When doing so, a reviewing court must determine whether the legislature indicated either expressly or impliedly a preference for one label or the other. *Cook*, supra; citing *United States v. Ward* (1980), 448 U.S. 242, 248-249. Despite the designation of a civil penalty, a statute will be determined criminal in nature if the scheme is “punitive either in purpose or effect as to negate that intention.” *Id.*

This Court previously determined that prior sex offender legislation (Megan’s Law) was clearly remedial and not punitive as it protected the public from those most likely to reoffend. *State v. Cook* (1998), 83 Ohio St.3d 404. Again, this Court reviewed revisions to Megan’s Law in 2003 and concluded that the revised law, although more onerous than the 1996 version, survived retroactivity and ex post facto challenges. *State v. Ferguson*, 120 Ohio St.3d 7, 2008-Ohio-4842. In *Ferguson*, three justices dissented, finding that the newer provisions evolved from remedial to punitive. The newest version, Senate Bill 10, mandates that all previously classified offenders are reclassified and abandons the opportunity for any one offender to demonstrate that he or she is not a threat to the community and does not require the imposition of

the most onerous registration and classification requirements. This new scheme automatically classifies based only upon the offense of conviction and abandons the opportunity for the offender to show that he is not a risk to the community nor likely to reoffend. In addition, the placement of the legislation in Ohio's Criminal Code and subjecting an offender to additional criminal charges for failing to comply with the registration requirements assumes a punitive intent. The fact that many non-dangerous ex-offenders have to register for the remainder of their lives punctuates the punitive and criminal nature of Senate Bill 10.

This Court should not be quick to expect specific adverse effects against those who must register before granting relief or finding the law unconstitutional. The very nature of SB 10 and all sex offender registration laws is to track sex offenders and notify the community because of their *potential* to recidivate. As such, a law based upon mere potential should not place the burden on the classified offender to show more than the potential of harm to him or her. This scheme is more akin to parole but fails to afford any due process rights that a parolee is typically entitled.

Senate Bill 10 can no longer be considered remedial in nature and violates the ex Post Facto Clause of the United State Constitution.

Retroactivity Clause of the Ohio Constitution:

Article II, Section 28 of the Ohio Constitution forbids the enactment of retroactive laws. *Van Fossen v. Babcock & Wilcox Co.* (1988), 30 Ohio St.3d 100, 106. Ohio's Constitution affords its citizens greater protection against retroactive laws than does the Ex Post Facto Clause. *Van Fossen*, 30 Ohio St.3d at 105 and footnote 5. A statute is substantive and therefore unconstitutional if applied retroactively, if the statute "impairs or takes away vested rights,

affects an accrued substantive right, or imposes new or additional burdens, duties, obligations or liabilities as to a past transaction, or creates a new right.” *State v. Cook*, 83 Ohio St.3d at 411.

Senate Bill 10 requires placement into tiers that mandate additional years of reporting with significantly more information to be reported and made public. It further takes away or impairs vested rights because adjudicated sex offenders lose their vested right in the previously imposed judgments. Under Senate Bill 10, all offenders convicted of crimes that occurred before January 1, 2008 lose their right to the previous judicial determination. Senate Bill 10 requires Appellant to be classified and register for life. If he fails to register, he will be subject to felony penalties. Appellant will be unable to live where he wants to without scrutiny, he will miss out on employment and career opportunities that may have nothing to do with the crimes he was convicted of and regardless of whether Appellant has reformed or rehabilitated himself and is no longer a threat to the community. Finally, the word punitive is not found in Article II, Section 28 of the Ohio Constitution; rather, the language used therein, prohibiting additional “burdens, duties, obligation or liabilities as to a past transaction,” is far less arduous than the requisite “punitive” burden needed to prevail under the Ex Post Facto Clause.

Senate Bill 10 violates the retroactivity clause of the Ohio Constitution.

Proposition of Law No. III: Senate Bill 10 violates the Double Jeopardy Clauses of the Ohio and United States Constitutions.

Senate Bill 10 imposes a second punishment upon sex offenders for a single offense and therefore violates the Double Jeopardy Clauses of the Ohio and United States Constitutions. The registration and notification requirements operate as a second punishment for the reason that Senate Bill 10 is punitive in both its effect and intent.

The Double Jeopardy Clause states that no person shall “be subject for the same offence to be twice put in jeopardy of life or limb.” Fifth Amendment to the United States Constitution

and Article I, Section 10 of the Ohio Constitution. Although the Double Jeopardy Clause was commonly understood to prevent a second prosecution for the same offense, the United States Supreme Court has applied the clause to prevent a state from punishing an offender twice, or from attempting a second time to criminally punish an offender for the same offense. See *Kansas v. Hendricks*, 521 U.S. 346 at 369; *Witte v. United States* (1995), 515 U.S. 389, 396. However, only a punitive sanction is subject to the protection against multiple punishments. *Hudson v. United States* (1997), 522 U.S. 93, 101. This Court has determined that one of the primary purposes of the clause is to preserve finality of judgments. *State v. Roberts*, 119 Ohio St.3d 294, 2008 Ohio 3835 at ¶ 11. Critical to this analysis is whether an offender is subjected to additional embarrassment, expense, and ordeal and compelling him to live in a continued state of anxiety and insecurity. *Id.* Senate Bill 10, through its reclassification and increased registration requirements emanating from previously imposed criminal judgments and punishments must be considered as additional punishments.

Reclassification under Senate Bill 10 constitutes a second punishment and interferes with the finality of the prior judgment.

Proposition of Law No. IV: Senate Bill 10 violates the separation of powers doctrine encompassed in the Ohio Constitution.

The classification and methods to classify appellant as a Tier III offender for purposes of Senate Bill 10 violates the doctrine of separation of powers that divides the three branches of government, namely, the legislative, executive and judicial branches. Elementally, the classification and process violates the system of checks and balances inherent in the separation of powers doctrine and in our system of government. Senate Bill 10 allows the Attorney General to automatically identify an individual who has been convicted of a sex offense and classify him. In this instance, appellant was placed in a Tier III designation and must register for life. In

addition, the sheriff and county prosecuting attorney have the authority to enforce the registration requirements and arrest and prosecute appellant for failure to do so. The role of the judiciary throughout this process is imaginary rather than functional. The judiciary's "function" is merely to issue a judgment entry validating what has already been enacted by the legislative branch and carried out by the executive branch. Under Senate Bill 10, Appellant cannot claim that the classification is not required or even necessary as applied to him. He cannot place evidence before a judicial tribunal demonstrating same. The judiciary's role is simply to bang the gavel and issue a judgment entry once the offender is identified and his criminal record validated.

Appellant claims that the judiciary's inability to intervene on his behalf leaves the court out of the equation of our system of checks and balances.

The Supreme Court of Ohio has been consistent in enforcing the premise that the doctrine of separation of powers is inherent in the constitutional framework of Ohio's government and is embedded within the framework of the Ohio Constitution. *State v. Hochhausler* (1996), 76 Ohio St.3d 455, 668 N.E.2d 457; *State ex rel. Bray v. Russell* (2000), 89 Ohio St.3d 132, 729 N.E.2d 359, and *State v. Sterling*, 113 Ohio St.3d 255, 2007-Ohio-1790, 864 N.E.2d 630 and cases cited therein. The essential principle underlying the policy of the division of powers of government into three departments is that powers properly belonging to one of the departments ought not to be directly and completely administered by either of the other departments, and further that none of them ought to possess directly or indirectly an overruling influence over the others. *Sterling, supra*. The administration of justice by the judicial branch cannot be impeded by the other branches of government in the exercise of their respective powers and the legislative branch has no right to *limit* the inherent powers of the judicial branch. *Id.* (emphasis added). The

integrity and independence of each branch must be preserved; otherwise, the safety of our institutions will be placed in jeopardy.

The basic definition of “judicial power” is helpful to understand what power and why exactly the judicial branch is left out of the loop under Senate Bill 10. “Judicial power” has been defined as follows:

The authority vested in courts and judges to hear and decide cases and to make binding judgments on them; the power to construe and apply the law when controversies arise over what has been done or not done under it. A power conferred on a public officer involving the exercise of judgment and discretion in deciding questions of right in specific cases affecting personal and proprietary interests. In this sense the phrase is contrasted with *ministerial* power. Black’s Law Dictionary, Second Pocket Edition (1996).

As applied to the circumstances described herein, there is no authority vested in the judicial branch to determine anything, or exercise any discretion or judgment, under Senate Bill 10; instead, their only function is ministerial – a function not contemplated by the separation of powers doctrine, the Ohio Constitution or the administration of justice. In addition, the sheriff and prosecuting attorney are improperly delegated powers that are judicial in nature and not executive functions in nature.

In the numerous decisions examined in *Sterling*, the theme is that the General Assembly may not pass a law that allows other branches of government, or their subdivisions, to decide matters that are traditionally judicial in nature, i.e., whether a law is appropriately applied to the individual it targets. As the *Sterling* court explained, “the judicial power resides in the judicial branch. Section I, Article IV, Ohio Constitution. The determination of guilt in a criminal matter and the sentencing of a defendant convicted of a crime are solely the province of the judiciary.” *Id.* at ¶ 31. By directing a trial court to place offenders in specific tiers based on their crimes of

conviction, the legislature acts as “judge, prosecutor, and jury, which [goes] beyond the role of the [legislative] branch.” *Sterling* at ¶ 31. Senate Bill 10 prematurely decides the classification and registration and disallows a defense thereto. This improperly limits the power of the judiciary to decide the matter.

In addition, the Attorney General vacates existing court judgments regarding sex offender classifications and reverses final judgments that previously set the duration of registration.

Senate Bill 10 violates the separation of powers doctrine under the Ohio Constitution.

CONCLUSION

For all of the reasons argued above, this court should accept jurisdiction and stay briefing and proceedings pending decision in *State v. Bodyke* and other cases consolidated with *Bodyke*. Appellant respectfully moves the Court to consolidate his issues with those pending before this Court in the case of *State v. Bodyke*, case no. 2008-2502, and other numerous cases, or adopt the propositions of law argued herein and reverse the decision of the court of appeals.

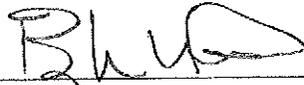
Respectfully submitted,


Barry W. Wilford (0014891)

COUNSEL FOR APPELLANT,
KEVIN CAES

CERTIFICATE OF SERVICE

I certify that a copy of the Memorandum in Support of Jurisdiction was sent by ordinary U.S. mail to counsel for appellee, Rachel A. Hutzler, Warren County Prosecuting Attorney, 500 Justice Drive, Lebanon, Ohio 43036 on February 12th 2010.



Barry W. Wilford

COUNSEL FOR APPELLANT,
KEVIN CAES

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
WARREN COUNTY

COURT OF APPEALS
WARREN COUNTY
FILED

DEC 30 2009

James L. Spaeth, Clerk
LEBANON OHIO

KEVIN CAES,

Petitioner-Appellant,

CASE NO. CA2009-07-095

JUDGMENT ENTRY

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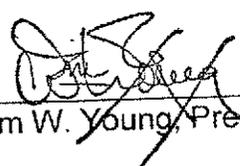
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Respondent-Appellee.

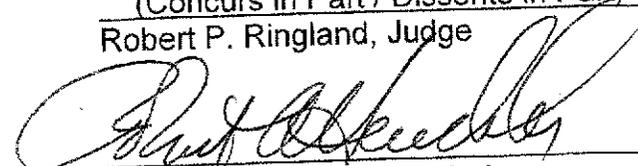
The assignment of error properly before this court having been ruled upon, it is the order of this court that the judgment or final order appealed from be, and the same hereby is, affirmed.

It is further ordered that a mandate be sent to the Warren County Court of Common Pleas for execution upon this judgment and that a certified copy of this Judgment Entry shall constitute the mandate pursuant to App.R. 27.

Costs to be taxed in compliance with App.R. 24.


William W. Young, Presiding Judge

(Concurs in Part / Dissents in Part)
Robert P. Ringland, Judge


Robert A. Hendrickson, Judge



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12/30/09 JUDGMENT ENTRY (COPY MAILED TO

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IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
WARREN COUNTY

COURT OF APPEALS
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James P. Spaeth, Clerk
LEBANON OHIO

KEVIN CAES,

Petitioner-Appellant,

CASE NO. CA2009-07-095

OPINION
12/30/2009

- vs -

STATE OF OHIO,

Respondent-Appellee.

CIVIL APPEAL FROM WARREN COUNTY COURT OF COMMON PLEAS
Case No. 08-CV-70674

Rachel A. Hutzler, Warren County Prosecuting Attorney, Michael Greer, 500 Justice Drive,
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43215, for petitioner-appellant

YOUNG, P.J.

{11} Defendant-appellant, Kevin Caes, appeals a decision of the Warren County Court of Common Pleas denying a petition contesting his sex offender reclassification.

{12} In July 1999, appellant was convicted of 22 counts of rape, three counts of felonious assault, and one count each of kidnapping, failure to comply with an order or signal of a police officer, and unlawful possession of a dangerous ordnance. He was



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12/30/09 OPINION FILED

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subsequently adjudicated to be a sexually violent predator and was sentenced to 110 years to life in prison. In January 2008, following the passage of Ohio's Adam Walsh Act, appellant received notification that he was reclassified under the Act. The record before us does not contain a copy of appellant's reclassification notice; presumably, appellant was reclassified as a Tier III sex offender under Ohio's Adam Walsh Act.

{¶13} Appellant filed a petition contesting the constitutionality and application of the reclassification. On April 14, 2009, a magistrate denied appellant's petition, citing this court's recent decision in *State v. Williams*, Warren App. No. CA2008-02-029, 2008-Ohio-6195 (upholding Ohio's Adam Walsh Act on numerous constitutional grounds). Appellant's objections to the magistrate's decision were overruled by the trial court. This appeal follows.

{¶14} In a single assignment of error, appellant argues that the application of Ohio's Adam Walsh Act violates the doctrine of separation of powers, his due process rights, and the Ex Post Facto Clause of the United States Constitution, and amounts to double jeopardy. This court disposed of these arguments in *Williams*, 2008-Ohio-6195, in which we held that Ohio's Adam Walsh Act does not amount to double jeopardy and neither violates the Ex Post Facto Clause of the United States Constitution nor the separation of powers doctrine. *Id.* at ¶¶107-111, ¶¶37-75, and ¶¶95-102; see, also, *Moran v. State*, Clermont App. No. CA2008-05-057, 2009-Ohio-1840. Further, Ohio's Adam Walsh Act does not violate appellant's due process rights. *State v. Bell*, Clermont App. No. CA2008-05-044, 2009-Ohio-2335, ¶¶104.

{¶15} Appellant's assignment of error is overruled.

{¶16} Judgment affirmed.

HENDRICKSON, J., concur.

RINGLAND, J., concurs in part and dissents in part.

RINGLAND, J., concurring in part and dissenting in part.

{¶7} I respectfully dissent based upon my analysis in *Sears v. State*, Clermont App. No. CA2008-07-068, 2009-Ohio-3541, finding that the retroactive modification of judicially-determined sex offender classifications by the Adam Walsh Act violates the separation of powers doctrine. I concur with the majority's resolution of the remaining issues.

This opinion or decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: <http://www.sconet.state.oh.us/ROD/documents/>. Final versions of decisions are also available on the Twelfth District's web site at: <http://www.twelfth.courts.state.oh.us/search.asp>