

ORIGINAL

IN THE SUPREME COURT OF OHIO

10-0289

KEVIN CAES,

Appellant,

v.

STATE OF OHIO,

Appellee.

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

Court of Appeals Case
No. CA2009-07-095

**MOTION TO CONSOLIDATE APPEAL WITH PENDING
CASES ACCEPTED FOR REVIEW**

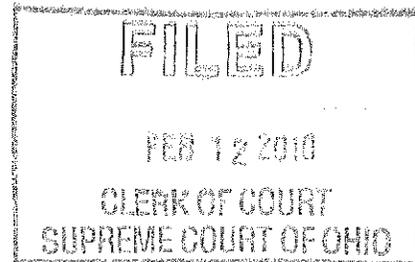
**From Denial of Petition Contesting Sex Offender Classification
Pursuant to Adam Walsh Act (Senate Bill 10)**

BARRY W. WILFORD (0014891)
Kura & Wilford Co., L.P.A.
492 City Park Avenue
Columbus, Ohio 43215
(614) 628-0100

COUNSEL FOR APPELLANT, KEVIN CAES

RACHEL A. HUTZEL (0055757)
Warren County Prosecuting Attorney
500 Justice Drive
Lebanon, Ohio 43036
(740) 373-7624

COUNSEL FOR APPELLEE, STATE OF OHIO



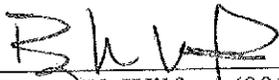
**MOTION TO CONSOLIDATE APPEAL WITH PENDING
CASES ACCEPTED FOR REVIEW**

Appellant, Kevin Caes, respectfully requests the Court to consolidate his submission to the Court with cases pending that have been accepted for review; namely, *State v. Bodyke*, Case No. 2008-2502. *State v. Bodyke* involves the constitutional propriety of the enactment and enforcement of the Adam Walsh Act; also known as Senate Bill 10 and as codified in Ohio Revised Code Chapter 2950.

The propositions of law presented in Appellant's memorandum in support of jurisdiction are identical to all of the issues accepted for review by this Court in *Bodyke*. The Court has consolidated some or all of these issues with *Bodyke* in several other cases; namely, *State v. Day*, case No. 2009-1604; *Smallwood v. State*, Case No. 2009-1832; *McCostlin v. State*, Case No. 2009-1498; *Welker v. State*, case No. 2009-1550; *State v. Hitchcock*, case No. 2009-1580; *Sears v. State*, Case No. 2009-1581; *Dunbar v. State*, Case No. 2009-1585 and others, and stayed briefing.

For the reason that the issues are identical and have been accepted for consideration by the Court, Appellant respectfully requests the Court to consolidate his case with *State v. Bodyke*.

Respectfully submitted,

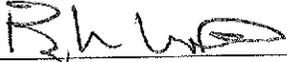

Barry W. Wilford (0014891)

COUNSEL FOR APPELLANT,
KEVIN CAES

Certificate of Service

I certify that a copy of the Motion to Consolidate was sent by ordinary U.S. mail to

counsel for appellee, Rachel A. Hutzel, Warren County Prosecuting Attorney, 500 Justice Drive,
Lebanon, Ohio 43036 on February 12th 2010.



Barry W. Wilford (0014891)

COUNSEL FOR APPELLANT,
KEVIN CAES