

ORIGINAL

IN THE SUPREME COURT OF OHIO

IN RE: D.S., : APPEAL CASE NO. 2008-1624
A Minor Child :
: ON APPEAL FROM THE COURT
: OF APPEALS, THIRD
: APPELLATE DISTRICT, ALLEN
: COUNTY, OHIO

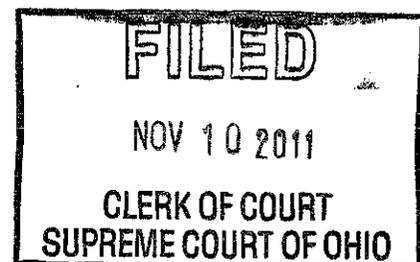
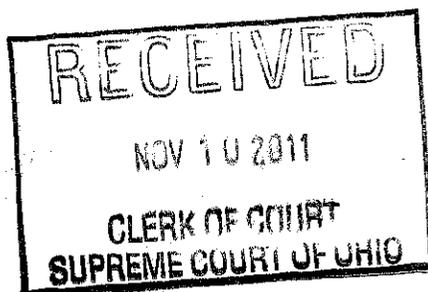
MEMORANDUM OPPOSING MOTION FOR RECONSIDERATION

CHRISTINA L. STEFFAN
Reg. #0075260
Assistant Prosecuting Attorney
Allen County, Ohio
Court of Appeals Bldg., Suite 302
204 North Main Street
Lima, Ohio 45801
(419) 228-3700 Ext. 8876
Fax: (419) 222-2462

COUNSEL FOR STATE OF OHIO
APPELLEE

BROOKE M. BURNS
Reg. # 0080256
Assistant State Public Defender
8 East Long Street – 11th Floor
Columbus, Ohio 43215
(614) 466-5394
Fax: (614) 752-5167

COUNSEL FOR D.S.
APPELLANT



IN THE SUPREME COURT OF OHIO

IN RE D.J.S. : Case No. 2008-1624
:
: On Appeal from the Allen County
Court of Appeals
: Third Appellate District
:
: C.A. Case No. 1-07-58

MEMORANDUM OPPOSING MOTION FOR RECONSIDERATION

Pursuant to S.Ct.Prac.R. 11.3, the State of Ohio respectfully requests that this Court deny the motion filed by D.J.S. to reconsider this Court's decision of October 20, 2011. The Allen County Juvenile Court, on July 26, 2007, classified the juvenile under former R.C. 2152.83 as a Juvenile Sex Offender Registrant after a hearing.

The reasons for this motion are more fully stated in the attached memorandum.


CHRISTINA L. STEFFAN, Reg. # 0075260
COUNSEL FOR APPELLEE –
STATE OF OHIO
Assistant Prosecuting Attorney
Allen County, Ohio
Court of Appeals Building
204 North Main Street, Suite 302
Lima, Ohio 45801
Phone: (419) 228-3700 Ext. 8876
Fax: (419) 227-1072

MEMORANDUM IN SUPPORT

The provisions of Senate Bill 10 implementing the Tier system became effective on January 1, 2008.

Prior to the effective date of those amendments, on June 20, 2007 and July 12, 2007, the Allen County Common Pleas Court, Juvenile Division, (Allen County Juvenile Court) conducted a hearing under former O.R.C. 2152.83, finding D.J.S. was to be classified as a Juvenile Sex Offender Registrant. Judgment Entry, dated July 26, 2007.

The Allen County Juvenile Court then scheduled the matter for a hearing on August 1, 2007 at 3:30 p.m. to explain the duties to register as a Juvenile Offender Registrant. *Id.*

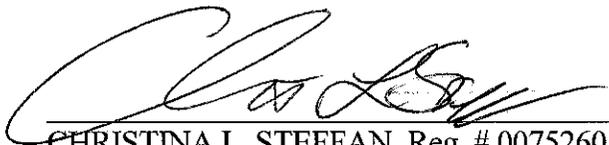
On August 1, 2007, the Court explained to D.J.S. not only the duties as required under former R.C. 2950.03, but also was informed of his duties after January 1, 2008, as a Tier III Juvenile Sex Offender Registrant, pursuant to Senate Bill 10. Judgment Entry, August 6, 2007.

D.J.S. only alleged errors his classification and duties as required by Senate Bill 10 in his appeal to this Court. He did not appeal his initial classification as a Juvenile Sex Offender Registrant. Therefore, under *State v. Williams*, 129 Ohio St. 3d 344, 2011-Ohio-3374, only his classification under Senate Bill 10 is affected. His first classification as a Juvenile Sex Offender Registrant is still valid, as is his reporting requirements under former R.C. 2950.03. The Allen County Juvenile Court still retains jurisdiction over the Defendant's classification under R.C. 2151.23(A)(15) and former 2152.83 (F).

Therefore, the State would request that this Court deny the juvenile's motion for reconsideration, and instead remand the matter back to the Allen County Court of

Common Pleas, Juvenile Division, for further proceedings consistent with *State v. Williams*.

Respectfully Submitted;



CHRISTINA L. STEFFAN, Reg. # 0075260
COUNSEL FOR APPELLEE
Assistant Prosecuting Attorney
Allen County, Ohio
Court of Appeals Building
204 North Main Street, Suite 302
Lima, Ohio 45801
Phone: (419) 228-3700 Ext. 8876
Fax: (419) 227-1072

PROOF OF SERVICE

I hereby certify that a copy of the foregoing was served upon Brooke M. Burns, Counsel for Appellant, 250 East Broad Street, Suite 1400, Columbus, Ohio 43215 this 9th day of November, 2011 by regular United States mail.



CHRISTINA L. STEFFAN