

IN THE SUPREME COURT OF OHIO

)	
)	CASE NO. 2015-0619
)	
IN RE: AARON K. VON)	
)	
)	
)	On appeal from the Trumbull County
)	Court of Appeals No. 2013-T-0085
)	
)	Trumbull County Common Pleas
)	Court Case No. 2012 CV 2284

STATE OF OHIO'S NOTICE OF PAGE SUBSTITUTION TO ELEVENTH DISTRICT
OPINION

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AARON K. VON
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Appellee

Counsel for Appellant,
The State of Ohio

Now comes the Appellant, the State of Ohio ("State"), by and through the undersigned counsel, to alert the Court that the opinion released by the Eleventh District Court of Appeals on March 16, 2015 has been amended due to a typographical error. More specifically, page 15 of the opinion has been stricken and replaced pursuant to a judgment entry filed on May 6, 2015. The judgment entry and the substitute page 15 are attached.

Therefore, the State respectfully requests this Court to substitute the redrafted page attached for the page stricken by the Eleventh District Court of Appeals.

Respectfully submitted,

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COUNSEL FOR APPELLANT,
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PROOF OF SERVICE

I do hereby certified that a copy of the foregoing Motion was sent by ordinary U.S. Mail to Aaron K. Von,* Appellee, 7777 McDowell St., Masury, Ohio, 44438, and to Atty. Timothy Young, Director, Office of the Ohio Public Defender, 250 E. Broad St., Suite 1400, Columbus, Ohio, 43215-9308, on this 13th Day of May, 2015.


LuWAYNE ANNOS(#0055651)
Assistant Prosecuting Attorney

*Licensed trial and appellate counsel for Appellee, Timothy E. Bellew (Registration No. 67573), is currently subject to an interim default suspension by this Court. See, Ohio Supreme Court Case No. GEN2014-2175. No other attorney has filed a notice of appearance in this case.

STATE OF OHIO)
)SS.
COUNTY OF TRUMBULL)

IN THE COURT OF APPEALS
ELEVENTH DISTRICT

IN RE: AARON K. VON

JUDGMENT ENTRY

CASE NO. 2013-T-0085

Pursuant to an inadvertent typographical error in this court's page 15 of the opinion of *In re: Aaron K. Von*, released March 16, 2015, it is ordered sua sponte that page 15 of the opinion of March 16, 2015, be stricken and held for naught.

It is further ordered sua sponte that the attached page 15 of the opinion be entered for the stricken page 15 of the opinion.

The Clerk of Courts is instructed to strike page 15 of the opinion of March 16, 2015, and substitute the attached page 15 of the opinion.


JUDGE TIMOTHY P. CANNON

FOR THE COURT

FILED
COURT OF APPEALS

MAY 06 2015

TRUMBULL COUNTY, OH
KAREN INFANTE ALLEN, CLERK

COPY

there is a handwritten sentence which stands alone, stating: "Petitioner to remain tier I."

There is an additional handwritten notation at the bottom of the order, stating: "No opposition by state of Ohio to defendant remaining tier I until determination of merits."

{¶40} In the trial court entry that disposed of appellant's motion, it does not mention whether appellant's Tier I classification had been terminated. I agree with the dissent that appellant's Tier I classification should be terminated; appellant was subject to Megan's Law, as noted by the trial court, and R.C. 2950.15, as amended, does not retroactively apply to appellant. This would effectively defeat appellant's application because, as observed by the dissent, appellant should not be classified as a Tier I offender.

{¶41} To further complicate matters, there is some confusion regarding whether appellant has been classified as a "sexually oriented offender" or as a "sexual predator" under Megan's law. While the trial court resolved that appellant was subject to Megan's Law, it did not establish what the classification under that law should be.

{¶42} I concur with the decision to remand this case to allow the trial court to clarify the termination of appellant's Tier I status and, hopefully, to resolve what appellant's status is and should be under Megan's law.

DIANE V. GRENDALL, J., dissents with a Dissenting Opinion.

{¶43} In the present case, Aaron K. Von filed an Application for Termination of Duty to Comply with Sex Registration Laws, pursuant to R.C. 2950.15, in the Trumbull County Court of Common Pleas. In January 1997, Von was convicted of Sexual Assault on a Child, a class 4 felony in violation of C.R.S. 18-3-405(1), and Sexual