

[Cite as *State v. Millhouse*, 2000-Ohio-2624.]

STATE OF OHIO, JEFFERSON COUNTY

IN THE COURT OF APPEALS

SEVENTH DISTRICT

STATE OF OHIO,)	
)	
PLAINTIFF-APPELLEE,)	CASE NO. 99-JE-21
)	
- VS -)	OPINION
)	
DAVIN D. MILLHOUSE,)	
)	
DEFENDANT-APPELLANT.)	

CHARACTER OF PROCEEDINGS:	Criminal Appeal from Jefferson County Common Pleas Court Case No. 98 CR 185
---------------------------	---

JUDGMENT:	Affirmed
-----------	----------

APPEARANCES:

For Plaintiff-Appellee:	Atty. Stephen M. Stern Jefferson County Prosecutor Atty. Costa D. Mastros Asst. County Prosecutor 16001 State Route 7 Steubenville, Ohio 43952
-------------------------	---

For Defendant-Appellant:	Atty. Eric M. Reszke P. O. Box 1571 115 S. Fourth St. Steubenville, Ohio 43952
--------------------------	---

JUDGES:

Hon. Edward A. Cox
Hon. Joseph J. Vukovich

Hon. Cheryl L. Waite

Dated: November 29, 2000

COX, P.J.

{¶1} This matter presents a timely appeal from a decision rendered by the Jefferson County Common Pleas Court, accepting the guilty plea offered by defendant-appellant, Davin D. Millhouse, to one count of rape, in violation of R.C. 2907.02(A)(1)(b), and thereby designating appellant as a sexual predator and sentencing him to a definite incarceration term of nine years.

{¶2} On April 8, 1999, at a hearing conducted for such purpose, the trial court declared appellant to be a sexual predator pursuant to R.C. 2950.01(E). It is with regard to such classification that appellant appeals to this court.

{¶3} Appellant's sole assignment of error on appeal alleges:

{¶4} "Ohio Revised Code Chapter 2950 in relating to Sexual Predator Classification is unconstitutional and must be considered void in its entirety."

{¶5} Appellant argues that no law which is enacted may infringe upon an individual's fundamental rights guaranteed to them under Article 1, Section 1 of the Ohio Constitution. In making his argument, appellant relies exclusively upon *State v. Williams* (1999), Lake App. No. 97-L-191, unreported, wherein the Eleventh Appellate District held that the sexual predator statute is unconstitutional on grounds that it violated Section 1, Article 1 of the Ohio Constitution. However, this court has previously announced that it disagrees with the Eleventh District's decision in *Williams*. *State v. Woodburn* (1999), Columbiana App. No. 98-CO-6, unreported, at 11 (upholding the constitutionality of the

statute and stating that such statute does not unduly oppress or interfere with the rights of individuals).

{¶6} Thus, appellant's sole assignment of error is found to be without merit.

{¶7} The decision of the trial court is affirmed.

Vukovich, J., concurs.

Waite, J., concurs.