

**IN THE COURT OF APPEALS OF OHIO  
SECOND APPELLATE DISTRICT  
MONTGOMERY COUNTY**

STATE OF OHIO	:	
	:	Appellate Case No. 22982
Plaintiff-Appellee	:	
	:	Trial Court Case No. 08-CV-930
v.	:	
	:	(Criminal Appeal from
BRUCE SMITH	:	Common Pleas Court)
	:	
Defendant-Appellant	:	
	:	

.....  
OPINION

Rendered on the 19<sup>th</sup> day of June, 2009.

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MATHIAS H. HECK, JR., by DOUGLAS M. TROUT, Atty. Reg. #0072027, Montgomery County Prosecutor's Office, Appellate Division, Montgomery County Courts Building, P.O. Box 972, 301 West Third Street, Dayton, Ohio 45422  
Attorney for Plaintiff-Appellee

DENNIS A. LIEBERMAN, Atty. Reg. #0029460, 15 West Fourth Street, Suite 100, Dayton, Ohio 45402  
Attorney for Defendant-Appellant

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FAIN, J.

{¶ 1} In 2002, defendant-appellant Smith pled guilty to the rape of a child under the age of 13. He was classified as a Sexually Oriented Offender, the lowest possible classification.

{¶ 2} In 2007, the Attorney-General of Ohio classified Smith as a Tier III sex

offender under R.C. Chapter 2950. Smith filed a Petition to Contest the Application of the Adam Walsh Act (S.B. 10), in the Montgomery County Common Pleas Court. His petition was denied.

{¶ 3} Smith appeals from the denial of his petition. Smith and the State have each filed with this court notice of their intentions to rely exclusively upon the briefs filed by the defendant and by the State, respectively, in *State v. Barker*, Montgomery App. No. 22963, 2009-Ohio-2774. Neither Smith nor the State has filed a separate brief in this appeal.

{¶ 4} In *State v. Barker*, supra, we have overruled the defendant's sole assignment of error and have affirmed the order of the trial court. Upon the authority of *State v. Barker*, supra, we similarly overrule Smith's assignment of error. The order of the trial court from which this appeal is taken is Affirmed.

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BROGAN and FROELICH, JJ., concur.

Copies mailed to:

Mathias H. Heck  
Douglas M. Trout  
Dennis A. Lieberman  
Hon. Mary Lynn Wiseman