

[Cite as *State v. Johnson*, 2009-Ohio-3027.]

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

STATE OF OHIO	:	
	:	Appellate Case No. 22989
Plaintiff-Appellee	:	
	:	Trial Court Case No. 04-CR-1172
v.	:	
	:	(Criminal Appeal from
JEREMIAH JOHNSON	:	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

CHRISTOPHER THOMPSON, Atty. Reg. #0055379, 130 West Second Street, Suite 2050, Dayton, Ohio 45402  
Attorney for Defendant-Appellant

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FAIN, J.

{¶ 1} In 2004, defendant-appellant Jeremiah Johnson was indicted on one count of Sexual Conduct with a child under the age of 13, and on one count of Sexual Contact with a child under the age of 13. He pled guilty to the first count, and the second count was dismissed. Johnson was sentenced to four years' imprisonment, and was classified

as an Habitual Sex Offender.

{¶ 2} In 2008, the Attorney-General of Ohio classified Johnson as a Tier III sex offender. Johnson moved for immediate relief from community notification, and separately filed a petition to contest reclassification. The trial court entered an order overruling Johnson's petition, and all pending motions. Johnson appeals from that order.

{¶ 3} Johnson 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 Johnson 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 Johnson'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  
Christopher Thompson  
Hon. Mary Lynn Wiseman