

**IN THE COURT OF APPEALS OF OHIO**

SEVENTH APPELLATE DISTRICT  
MONROE COUNTY

STATE OF OHIO,

Plaintiff-Appellee,

v.

JERRY L. PIATT,

Defendant-Appellant.

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**OPINION AND JUDGMENT ENTRY**  
**Case No. 24 MO 0016**

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Criminal Appeal from the  
Court of Common Pleas of Monroe County, Ohio  
Case No. 2013-227

**BEFORE:**

Cheryl L. Waite, Carol Ann Robb, Mark A. Hanni, Judges.

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**JUDGMENT:**

Affirmed.

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*Atty. James L. Peters*, Monroe County Prosecutor and *Atty. Helen Yonak*, Assistant Prosecutor, for Plaintiff-Appellee

*Atty. Catherine H. Jackson*, Rion, Rion & Rion, L.P.A., Inc., for Defendant-Appellant

Dated: March 10, 2025

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**WAITE, J.**

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{¶1} Appellant Jerry L. Piatt appeals an April 19, 2024 judgment entry of the Monroe County Court of Common Pleas denying his motion to terminate his sex offender registration requirement. Appellant contends that the trial court improperly denied his motion without providing any basis, which he claims will affect his ability to file a subsequent motion, as he does not know what still must be addressed before the court will terminate his requirement to register. For the following reasons, Appellant's arguments are without merit and the judgment of the trial court is affirmed.

Factual and Procedural History

{¶2} This matter stems from Appellant's May 27, 2014 conviction in Monroe County on two counts of gross sexual imposition. As part of his sentence, Appellant was placed on a three-year term of community control and was required to register as a sex offender annually for fifteen years.

{¶3} In 2017, Appellant was charged with gross sexual imposition in Monroe County. As part of his guilty plea in that case, the offense was amended to assault. At sentencing, his prior community control term was revoked and he completed a six-month jail term.

{¶4} Around October of 2023, Appellant apparently moved to Florida but did not register as a sex offender. It is unclear whether he continued to maintain a residence in Ohio, but it appears that he did not notify the State of Ohio about his move to Florida. On April 13, 2024, an arrest warrant was issued in Marion County, Florida based on a felony charge of failure to report a change of name or residence. We note that on October 31, 2024 Appellant entered a guilty plea in the Florida case.

{¶15} While this Florida felony charge was pending, on July 8, 2024, Appellant filed a motion seeking to terminate his sex offender registration requirement in Monroe County. On August 19, 2024, the trial court summarily denied that motion. It is from this entry that Appellant timely appeals.

#### ASSIGNMENT OF ERROR

The Trial Court erred by issuing a summary denial of Mr. Piatt's motion by failing to provide any supportive findings of facts or conclusions of law.

{¶16} Appellant takes issue with the failure of the trial court to include findings of fact and conclusions of law in its judgment entry. Appellant generally relies on the proposition of law that a court speaks only through its judgment entries to contend that where an entry is unclear, remand is necessary. Appellant cites caselaw from the First District reversing a trial court's decision to deny a request to terminate registration requirements without providing the basis for denial. *State v. Staples*, 2022-Ohio-1161 (1st Dist.). Appellant argues the same result is required here, as the basis for the trial court's decision cannot be determined by simply looking at the entry.

{¶17} The state responds that Appellant's motion did not meet the requirements of R.C. 2950.13, thus the court was entitled to summarily deny the motion. The state also contends that Appellant could have filed a motion for reconsideration of its decision, asking the court to provide its reasoning.

{¶18} While Appellant primarily relies on *Staples*, the procedure in that case reveals the decision amounts to no more than dicta. The procedural history of *Staples* reflects that the appellate court, in a bare-bones order that predated the opinion,

summarily remanded the matter for the trial court to provide a basis for the denial of the appellant's motion. This order does not contain binding, or even persuasive law. It does not stem from an appellate opinion and contains no legal citations or analysis. The order does not appear to be based on any precedent, and may merely reflect the preference of that particular appellate district. The opinion in the *Staples* matter was released after the trial court issued a new judgment entry containing its reasons for denial but does not address the issue. Hence, *Staples* provides no precedent of any value to the current matter.

{¶19} When filing a motion to terminate sex offender registration early, the relevant statute, R.C. 2950.15(D), sets out the requirements for the motion:

(D) An eligible offender who makes a motion under division (B) of this section shall include all of the following with the motion:

(1) A certified copy of the judgment entry and any other documentation of the sentence or disposition given for the offense or offenses for which the eligible offender was convicted, pleaded guilty, or was adjudicated a delinquent child;

(2) Documentation of the date of discharge from supervision or release, whichever is applicable;

(3) Evidence that the eligible offender has completed a sex offender or child-victim offender treatment program certified by the department of

rehabilitation and correction or the department of youth services pursuant to section 2950.16 of the Revised Code;

(4) Evidence that the eligible offender has not been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing any subsequent sexually oriented offense, child-victim oriented offense, or other criminal offense, except for a minor misdemeanor traffic offense;

(5) Evidence that the eligible offender has paid any financial sanctions imposed upon the offender pursuant to section 2929.18 or 2929.28 of the Revised Code.

{¶10} In Appellant’s bare-bones motion in this matter, he neglected to inform the trial court of his 2017 assault conviction, and of his pending felony charge in Florida, as required by R.C. 2950.15(D)(4). We note that Appellant’s assault conviction had been amended from the original charge of gross sexual imposition. Although Appellant’s plea in the 2017 matter resulted in conviction on an offense that is not sexually oriented, subsection (D)(4) requires disclosure of any criminal offense, except traffic infractions. Clearly, Appellant was required to disclose that conviction in this motion, which is to be supported by “evidence.”

{¶11} A review of his motion additionally reveals that he falsely claimed to have “successfully completed” his term of community control. That term was actually revoked due to his assault charge and, as a result, he spent time incarcerated in a local jail. He claimed in his motion that he maintained an address in Ohio for more than twenty years.

However, he neglected to mention his arrest in Florida for residing within the State of Florida without registering as an offender. These were raised by the state’s response.

{¶12} Appellant also failed to provide the following: a certified copy of the judgment entry (R.C. 2950.15 (D)(1)), documentation as to the date of discharge from supervision (R.C. 2950.15 (D)(2)), evidence of completion of a sex offender or child-victim offender certified treatment program (R.C. 2950.15 (D)(3)), evidence that he had no new convictions of a criminal offense (R.C. 2950.15 (D)(4)), and evidence that he paid his financial sanctions (R.C. 2950.15 (D)(5)). The state raised these issues in its response to Appellant’s motion. Based on the defects in Appellant’s motion, the court was justified in simply dismissing Appellant’s motion on its face for failure to comply with the statutory requirements.

{¶13} At oral argument, Appellant’s counsel voiced a concern that the state (who waived appearance at appellate oral argument) had informed her that it planned to defend against any second motion, if filed, by arguing that a subsequent motion would be barred by *res judicata*. As this argument was not properly raised or briefed by the parties, it was waived.

{¶14} While the trial court inartfully used the word “denied,” the court was entitled, and perhaps required, to dismiss the action, as Appellant failed to comply with the threshold requirements of R.C. 2930.15. Without the mandatory evidentiary attachments, the court was stripped of its ability to consider the factors it was required to consider before deciding whether to release an offender from the registration requirements. As such, it is apparent that although the court inartfully used the word “denied,” Appellant’s motion was dismissed for failure to comply with the statutory requirements. As it appears

Appellant's motion was dismissed on procedural grounds, *res judicata* would not bar a subsequent filing. We note, however, that as Appellant has been convicted of at least two crimes subsequent to the conviction for which registration was required, it also appears from this record that Appellant is not an offender "eligible" for early release from his registration requirement. Regardless, Appellant's sole assignment of error is without merit and is overruled.

#### Conclusion

{¶15} Appellant contends the trial court improperly denied his motion to terminate his sex offender registration requirements without providing an explanation for the denial. Appellant failed to provide the evidence required by statute in his motion, however. For the reasons provided, Appellant's arguments are without merit and the judgment of the trial court is affirmed.

Robb, P.J. concurs.

Hanni, J. concurs.

For the reasons stated in the Opinion rendered herein, Appellant's assignment of error is overruled and it is the final judgment and order of this Court that the judgment of the Court of Common Pleas of Monroe County, Ohio, is affirmed. Costs to be taxed against the Appellant.

A certified copy of this opinion and judgment entry shall constitute the mandate in this case pursuant to Rule 27 of the Rules of Appellate Procedure. It is ordered that a certified copy be sent by the clerk to the trial court to carry this judgment into execution.

**NOTICE TO COUNSEL**

**This document constitutes a final judgment entry.**