



CHARLES HOWLAND  
Morrow County Prosecutor  
60 E. High Street  
Mount Gilead, OH 43338  
*Gwin, P.J.*

AMANDA J. POWELL  
Assistant Public Defender  
250 East Broad St., Ste. 1400  
Columbus, OH 43215

{¶1} J.B., a minor child, appeals a judgment of the Court of Common Pleas, Juvenile Division, of Morrow County, Ohio, which classified him as a Tier III Juvenile Sex Offender registrant. Appellant assigns six errors to the trial court:

{¶2} "I. THE TRIAL COURT ERRED WHEN IT CLASSIFIED J.B. AS A JUVENILE OFFENDER REGISTRANT BECAUSE IT DID NOT MAKE THAT DETERMINATION UPON HIS RELEASE FROM A SECURE FACILITY, AS REQUIRED BY R.C. 2152.83 (A)(1).

{¶3} "II. THE MORROW COUNTY JUVENILE COURT ABUSED ITS DISCRETION WHEN IT FOUND THAT J.B.'S CLASSIFICATION AS A TIER III JUVENILE SEX OFFENDER REGISTRANT WAS MANDATORY IN VIOLATION OF R.C.2950.01.

{¶4} "III. THE TRIAL COURT ERRED WHEN IT ORDERED J.B. TO BE SUBJECT TO COMMUNITY NOTIFICATION.

{¶5} "IV. THE JUVENILE COURT ERRED WHEN IT CLASSIFIED J.B. AS A TIER III JUVENILE OFFENDER REGISTRANT BECAUSE THE APPLICATION OF R.C. 2152.83 TO HIM VIOLATES HIS RIGHT TO EQUAL PROTECTION UNDER THE LAW IN VIOLATION OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION, ARTICLE I, SECTION 2 OF THE OHIO CONSTITUTION.

{¶6} "V. THE MORROW COUNTY JUVENILE COURT ERRED WHEN IT IMPROPERLY NOTIFIED J.B. THAT, AS A JUVENILE SEX OFFENDER

REGISTRANT, HE WAS PROHIBITED FROM LIVING WITHIN ONE THOUSAND FEET FROM A SCHOOL, IN VIOLATION OF R.C. 2950.034(a).

{¶7} “VI. J.B. WAS DENIED THE EFFECTIVE ASSISTANCE OF COUNSEL AS GUARANTEED BY THE SIXTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE I, SECTION 16 OF THE OHIO CONSTITUTION, WHEN DEFENSE COUNSEL FAILED TO FAMILIARIZE HERSELF WITH OHIO’S JUVENILE OFFENDER CLASSIFICATION PROCEDURES.”

{¶8} In the disposition phase of J.B.’s case, the court committed him to the Ohio Department of Youth Services for a minimum period of three years, maximum of his twenty-first birthday. The trial court also found he was Tier III Juvenile Sex Offender registrant.

{¶9} Appellant argues if a child is committed to the Department of Youth Services, then pursuant to statute, the determination of his status as a sexual offender must not be made until he is released. *In Re: J.O., A Minor Child*, Licking App. No. 09-CA-0135, 2010-Ohio-4296; R.C. 2152.83 (A).

{¶10} The State concedes the trial court’s determination of whether J.B. should be designated as a juvenile offender registrant subject to classification and registration requirements was premature.

{¶11} The first assignment of error is sustained.

{¶12} Appellant’s other assignments of error are moot.

{¶13} For the foregoing reasons, the judgment of the Court of Common Pleas, Juvenile Division, of Morrow County, Ohio, is vacated.

By Gwin, P.J.,



---

HON. WILLIAM B. HOFFMAN

---

HON. PATRICIA A. DELANEY