

IN THE COURT OF APPEALS FOR GREENE COUNTY, OHIO

STATE OF OHIO :  
Plaintiff-Appellant : C.A. Case No. 2005-CA-47  
vs. : T.C. Case No. 2005-CR-0091  
JASON ADAM DIXON : (Criminal Appeal from Common  
: Pleas Court)  
Defendant-Appellee :

.....

OPINION

Rendered on the 31st day of March, 2006.

.....

WILLIAM F. SCHENCK, Prosecuting Attorney, By: ELIZABETH A. ELLIS, Assistant  
Prosecutor, Atty. Reg. #0074332, 61 Greene Street, Xenia, Ohio 45385  
Attorneys for Plaintiff-Appellant

DAVID R. MILES, Atty. Reg. #0013841, 125 W. Main Street, Fairborn, Ohio 45324  
Attorney for Defendant-Appellee

.....

PER CURIAM:

{¶ 1} The State of Ohio appeals from the trial court’s dismissal of Jason Dixon’s indictment for felonious assault. The victim of the alleged assault was Jessica Roth, Dixon’s live-in girlfriend. The trial court found that R.C. 2919.25 was unconstitutional as a result of the recently enacted Marriage Amendment. The assault occurred on January 23, 2005. The Amendment was effective on December 2, 2004.

{¶ 2} We recently held that R.C. 2919.25 is unconstitutional as it relates to

cohabiting partners pursuant to the Marriage Amendment, Article XV, Sec. 11 of the Ohio Constitution. See *State v. Karen Ward*, Greene App. No. 05-CA-75.

{¶ 3} The appellant's assignment of error is Overruled.

{¶ 4} The judgment of the trial court is Affirmed.

.....

BROGAN, J. and FAIN, J., concur.

DONOVAN, J., dissenting:

I disagree for reasons set forth in my dissent in *State v. Ward*.

Copies mailed to:

Elizabeth A. Ellis  
David R. Miles  
Hon. Stephen Wolaver