

[Cite as *State v. May*, 2011-Ohio-5624.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-306
Douglas E. May,	:	(C.P.C. No. 05 CR 46)
Defendant-Appellee.	:	(REGULAR CALENDAR)
State of Ohio,	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-307
Vernell Wade,	:	(C.P.C. No. 85 CR 2500)
Defendant-Appellee.	:	(REGULAR CALENDAR)
State of Ohio,	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-308
George Becker,	:	(C.P.C. No. 96 CR 2815)
Defendant-Appellee.	:	(REGULAR CALENDAR)
State of Ohio,	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-309
Dewayne M. Strong,	:	(C.P.C. No. 92 CR 3606A)
Defendant-Appellee.	:	(REGULAR CALENDAR)

Nos. 11AP-306, 11AP-307, 11AP-308, 11AP-309, 11AP-310, 11AP-314, 11AP-315, 2
11AP-316, 11AP-317, 11AP-318, 11AP-319, 11AP-320, 11AP-321, 11AP-322, 11AP-
323, 11AP-324, 11AP-325, 11AP-326, 11AP-327, 11AP-328, 11AP-329, 11AP-330,
11AP-332 & 11AP-333

State of Ohio,	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-310 (C.P.C. No. 95 CR 3238)
Dennis Eckstein,	:	(REGULAR CALENDAR)
Defendant-Appellee.	:	
State of Ohio,	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-314 (C.P.C. No. 92 CR 3941)
Donald Billingsley,	:	(REGULAR CALENDAR)
Defendant-Appellee.	:	
State of Ohio,	:	
Respondent-Appellant,	:	
v.	:	No. 11AP-315 (C.P.C. No. 08MS 53)
Bryan M. Sagle,	:	(REGULAR CALENDAR)
Petitioner-Appellee.	:	
State of Ohio,	:	
Respondent-Appellant,	:	
v.	:	No. 11AP-316 (C.P.C. No. 09 MS 137)
Darrell H. Messina,	:	(REGULAR CALENDAR)
Petitioner-Appellee.	:	

Nos. 11AP-306, 11AP-307, 11AP-308, 11AP-309, 11AP-310, 11AP-314, 11AP-315, 3
11AP-316, 11AP-317, 11AP-318, 11AP-319, 11AP-320, 11AP-321, 11AP-322, 11AP-
323, 11AP-324, 11AP-325, 11AP-326, 11AP-327, 11AP-328, 11AP-329, 11AP-330,
11AP-332 & 11AP-333

State of Ohio,	:	
Respondent-Appellant,	:	
v.	:	No. 11AP-317 (C.P.C. No. 08 MS 82)
Raymond T. Whalen,	:	(REGULAR CALENDAR)
Petitioner-Appellee.	:	
State of Ohio,	:	
Respondent-Appellant,	:	
v.	:	No. 11AP-318 (C.P.C. No. 08 MS 250)
Michael W. Mitchell,	:	(REGULAR CALENDAR)
Petitioner-Appellee.	:	
State of Ohio,	:	
Respondent-Appellant,	:	
v.	:	No. 11AP-319 (C.P.C. No. 08 MS 595)
Wone R. Reeves,	:	(REGULAR CALENDAR)
Petitioner-Appellee.	:	
State of Ohio,	:	
Respondent-Appellant,	:	
v.	:	No. 11AP-320 (C.P.C. No. 08 MS 106)
Don E. Garvin,	:	(REGULAR CALENDAR)
Petitioner-Appellee.	:	

Nos. 11AP-306, 11AP-307, 11AP-308, 11AP-309, 11AP-310, 11AP-314, 11AP-315, 4
11AP-316, 11AP-317, 11AP-318, 11AP-319, 11AP-320, 11AP-321, 11AP-322, 11AP-
323, 11AP-324, 11AP-325, 11AP-326, 11AP-327, 11AP-328, 11AP-329, 11AP-330,
11AP-332 & 11AP-333

State of Ohio,	:	
Respondent-Appellant,	:	
v.	:	No. 11AP-321 (C.P.C. No. 08 MS 784)
Paul A. Smith,	:	(REGULAR CALENDAR)
Petitioner-Appellee.	:	
State of Ohio,	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-322 (C.P.C. No. 96 CR 3183)
Dannie C. Adkins,	:	(REGULAR CALENDAR)
Defendant-Appellee.	:	
State of Ohio,	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-323 (C.P.C. No. 99CR 2912)
David G. Mavis,	:	(REGULAR CALENDAR)
Defendant-Appellee.	:	
State of Ohio,	:	
Respondent-Appellant,	:	
v.	:	No. 11AP-324 (C.P.C. No. 09 MS 501)
Tony L. Jackson,	:	(REGULAR CALENDAR)
Petitioner-Appellee.	:	

Nos. 11AP-306, 11AP-307, 11AP-308, 11AP-309, 11AP-310, 11AP-314, 11AP-315, 5
11AP-316, 11AP-317, 11AP-318, 11AP-319, 11AP-320, 11AP-321, 11AP-322, 11AP-
323, 11AP-324, 11AP-325, 11AP-326, 11AP-327, 11AP-328, 11AP-329, 11AP-330,
11AP-332 & 11AP-333

State of Ohio,	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-325
Robert A. Webb,	:	(C.P.C. No. 81 CR 4147C)
Defendant-Appellee.	:	(REGULAR CALENDAR)
State of Ohio,	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-326
John L. Smith,	:	(C.P.C. No. 00 CR 5779)
Defendant-Appellee.	:	(REGULAR CALENDAR)
State of Ohio,	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-327
Chris A. Frye,	:	(C.P.C. No. 88 CR 1086)
Defendant-Appellee.	:	(REGULAR CALENDAR)
State of Ohio,	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-328
Cecily Crockett,	:	(C.P.C. No. 00 CR 6328)
Defendant-Appellee.	:	(REGULAR CALENDAR)

Nos. 11AP-306, 11AP-307, 11AP-308, 11AP-309, 11AP-310, 11AP-314, 11AP-315, 6
11AP-316, 11AP-317, 11AP-318, 11AP-319, 11AP-320, 11AP-321, 11AP-322, 11AP-
323, 11AP-324, 11AP-325, 11AP-326, 11AP-327, 11AP-328, 11AP-329, 11AP-330,
11AP-332 & 11AP-333

State of Ohio,	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-329 (C.P.C. No. 90 CR 3174)
Paul A. Legins,	:	(REGULAR CALENDAR)
Defendant-Appellee.	:	
State of Ohio,	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-330 (C.P.C. No. 89 CR 328)
Charles Gray,	:	(REGULAR CALENDAR)
Defendant-Appellee.	:	
State of Ohio,	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-332 (C.P.C. No. 01 CR 5133)
Samuel J. Fillmore,	:	(REGULAR CALENDAR)
Defendant-Appellee.	:	
State of Ohio,	:	
Plaintiff-Appellant,	:	
v.	:	No. 11AP-333 (C.P.C. No. 02 CR 1135)
Christopher L. Dunno,	:	(REGULAR CALENDAR)
Defendant-Appellee.	:	

Nos. 11AP-306, 11AP-307, 11AP-308, 11AP-309, 11AP-310, 11AP-314, 11AP-315, 7
11AP-316, 11AP-317, 11AP-318, 11AP-319, 11AP-320, 11AP-321, 11AP-322, 11AP-
323, 11AP-324, 11AP-325, 11AP-326, 11AP-327, 11AP-328, 11AP-329, 11AP-330,
11AP-332 & 11AP-333

D E C I S I O N

Rendered on November 1, 2011

Ron O'Brien, Prosecuting Attorney, and *Steven L. Taylor*, for
appellant.

Yeura R. Venters, Public Defender, *Paul Skendelas* and
David L. Strait, for appellees.

APPEALS from the Franklin County Court of Common Pleas

TYACK, J.

{¶1} This is a consolidated appeal filed on behalf of the State of Ohio as to many individuals granted relief as a result of the decision of the Ohio Supreme Court in *State v. Bodyke*, 126 Ohio St.3d 266, 2010-Ohio-2424. The State of Ohio sets forth three assignments of error:

[I.] THE COMMON PLEAS COURT ERRED IN GRANTING RELIEF ON THE BASIS OF A PETITION THAT WAS FILED PURSUANT TO A SPECIAL STATUTORY PROCEEDING THAT HAS NOW BEEN SEVERED IN ITS ENTIRETY BY THE OHIO SUPREME COURT.

[II.] THE COMMON PLEAS COURT ERRED IN AWARDING RELIEF BASED ON *STATE V. BODYKE* IN THE ABSENCE OF A PRIOR JUDICIAL CLASSIFICATION.

[III.] THE COMMON PLEAS COURT ERRED IN DECLARING THAT EACH PETITIONER "IS REQUIRED TO COMPLY WITH ALL REGISTRATION REQUIREMENTS IN EFFECT PRIOR TO JANUARY 1, 2008."

Nos. 11AP-306, 11AP-307, 11AP-308, 11AP-309, 11AP-310, 11AP-314, 11AP-315, 8
11AP-316, 11AP-317, 11AP-318, 11AP-319, 11AP-320, 11AP-321, 11AP-322, 11AP-
323, 11AP-324, 11AP-325, 11AP-326, 11AP-327, 11AP-328, 11AP-329, 11AP-330,
11AP-332 & 11AP-333

{¶2} The first assignment of error has been addressed many times already by this court. See, for example, *State v. Watkins*, 10th Dist. No. 09AP-669, 2010-Ohio-4187 and *State v. Houston*, 10th Dist. No. 09AP-592, 2010-Ohio-4374. These decisions are completely consistent with the rulings of the Ohio Supreme Court in the *Bodyke* case and in several Supreme Court cases following *Bodyke*. We continue to follow the rulings of the Ohio Supreme Court, as indeed we must.

{¶3} The first assignment of error is overruled.

{¶4} The Ohio Supreme Court has also addressed the merits of the second assignment of error. See *In re Sexual-Offender Reclassification Cases*, 126 Ohio St.3d 322, 2010-Ohio-3753 and *In re Sexual Offender Reclassification Cases*, 126 Ohio St.3d 505, 2010-Ohio-4725. This court has also addressed and rejected the state's argument on this issue. See, e.g., *State v. Hazlett*, 10th Dist. No. 09AP-1069, 2010-Ohio-6119, ¶11 (finding that the severance remedy of *Bodyke* "makes no distinction between those classified judicially and those classified by operation of law"); *State v. Core*, 10th Dist. No. 09AP-192, 2010-Ohio-6292, ¶29 ("although appellant's prior classification (i.e., sexually oriented offender) arose by operation of law, appellant's 'reclassification made under the severed statutes must be vacated and his prior sex-offender classification reinstated.' "). We follow those cases and respect their holdings.

{¶5} The second assignment of error is overruled.

{¶6} We view the merits of the third assignment of error as having been addressed by the Ohio Supreme Court in *State v. Gingell*, 128 Ohio St.3d 444, 2011-

Nos. 11AP-306, 11AP-307, 11AP-308, 11AP-309, 11AP-310, 11AP-314, 11AP-315, 9
11AP-316, 11AP-317, 11AP-318, 11AP-319, 11AP-320, 11AP-321, 11AP-322, 11AP-
323, 11AP-324, 11AP-325, 11AP-326, 11AP-327, 11AP-328, 11AP-329, 11AP-330,
11AP-332 & 11AP-333

Ohio-1481 and *State v. Williams*, 129 Ohio St.3d 344, 2011-Ohio-3374. This view has
been expressed in our prior cases. See, for instance, *State v. Young*, 10th Dist. No.
10AP-911, 2011-Ohio-2374.

{¶7} We therefore overrule the third assignment of error.

{¶8} All three assignments of error having been overruled, the various judgments
of the Franklin County Court of Common Pleas are affirmed.

Judgments affirmed.

BROWN and DORRIAN, JJ., concur.
