

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
WARREN COUNTY

JERRY PETERS,	:	
Petitioner-Appellant,	:	CASE NO. CA2009-06-075
- vs -	:	<u>OPINION</u> 12/30/2009
STATE OF OHIO,	:	
Respondent-Appellee.	:	

CIVIL APPEAL FROM WARREN COUNTY COURT OF COMMON PLEAS
Case No. 08-CV-70459

Thomas G. Eagle, 3386 N. State Route 123, Lebanon, Ohio 45036, for petitioner-appellant
Rachel A. Hutzal, Warren County Prosecuting Attorney, Michael Greer, 500 Justice Drive,
Lebanon, Ohio 45036, for respondent-appellee

RINGLAND, J.

{¶1} Petitioner-appellant, Jerry Peters, appeals a decision of the Warren County Court of Common Pleas dismissing his petition challenging his sex offender reclassification without a hearing. For the reasons outlined below, we reverse the decision of the trial court and remand.

{¶2} In 2000, appellant was convicted of corruption of a minor and classified as a sexually-oriented offender pursuant to former R.C. 2950.01. In November 2007, appellant

received written notice that he had been reclassified as a Tier II sex offender with the corresponding 25-year registration requirement. In January 2008, appellant filed a petition challenging the reclassification. The trial court initially stayed the proceedings pending guidance from a higher court on Ohio's newly-enacted Adam Walsh Act. Following the issuance of this court's decision in *State v. Williams*, Warren App. No. CA2008-02-029, 2008-Ohio-6195, the state moved to dismiss appellant's petition. The trial court granted the motion, summarily dismissing appellant's petition without a hearing. Appellant timely appeals, raising a single assignment of error:

{¶3} "THE TRIAL COURT ERRED IN DISMISSING THE PETITION TO APPEAL THE APPELLANT'S RECLASSIFICATION AND CHANGE IN REGISTRATION REQUIREMENTS."

{¶4} In his sole assignment of error, appellant raises eight issues for the court's review. Appellant first argues that the trial court erred in dismissing his petition without a hearing. In the remaining issues for review, appellant challenges the constitutionality of the Adam Walsh Act.

{¶5} In *State v. Brewer*, Butler App. No. CA2009-02-041, 2009-Ohio-3157, this court held that a sex offender reclassified under Ohio's Adam Walsh Act is entitled to a hearing upon a timely and properly filed petition pursuant to the mandate of R.C. 2950.031(E). *Id.* at ¶16. The record indicates that appellant's petition was timely and properly filed. Therefore, on the basis of *Brewer*, we find that appellant was entitled to a hearing on his petition challenging his sex offender reclassification in accordance with R.C. 2950.031(E).

{¶6} Appellant's sole assignment of error is sustained with respect to the reclassification hearing. All remaining issues are moot.

{¶7} Judgment reversed and remanded.

YOUNG, P.J., and HENDRICKSON, J., concur.

[Cite as *Peters v. State*, 2009-Ohio-6928.]