

[Cite as *State v. Ramsey*, 2010-Ohio-2456.]

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-090076
	:	TRIAL NO. B-0806931
Plaintiff-Appellee,	:	
vs.	:	<i>DECISION.</i>
JEFFREY RAMSEY,	:	
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: June 4, 2010

Joseph T. Deters, Hamilton County Prosecuting Attorney, and *Scott M. Heenan*,
Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Bruce K. Hust, for Defendant-Appellant.

Please note: This case has been removed from the accelerated calendar.

J. HOWARD SUNDERMANN, Judge.

{¶1} Defendant-appellant Jeffrey Ramsey appeals his conviction, following a no-contest plea in the Hamilton County Court of Common Pleas, for failing to verify his current address as a sex offender under R.C. 2950.06, a felony of the fourth degree. On appeal Ramsey argues that R.C. 2950.06 violates his due-process rights because it imposes strict liability. Finding his argument meritless, we affirm his conviction.

I. Factual Background

{¶2} In July 2005, Ramsey was convicted of one count of attempted unlawful sexual conduct with a minor and one count of importuning in Greene County, Ohio. Ramsey was classified as a sexually oriented offender. On August 21, 2007, Ramsey signed a notice of registration duties with the Hamilton County Sheriff's office. The notice provided that Ramsey had been classified as a sexual offender who had to verify his address for a period of ten years with verification on each anniversary of his initial registration. As a result, Ramsey was informed that because his expected residence address was in Hamilton County, he needed to report to the Hamilton County Sheriff's office in person and verify his current address no later than August 29, 2008.

{¶3} In December 2007, Ramsey was notified that he had been reclassified as a Tier II offender under Am.Sub.S.B. No. 10, which implemented the Adam Walsh Child Protection and Safety Act of 2006, and that he was required to verify his address in person every 180 days for 25 years.¹ On February 28, 2008, Ramsey filed a petition with the common pleas court contesting his reclassification and new

¹ See R.C. 2950.06(B)(2) and 2950.07(B)(2).

registration requirements.² That same day, Ramsey signed a notice acknowledging his new reporting duties as a Tier II offender. The notice was identical to the prior notice except that it provided that Ramsey had to verify his address in person with the Hamilton County Sheriff no later than August 13, 2008. The August 13, 2008, date was circled on the notice, and Ramsey's initials were on the notice next to the explanation of his reporting responsibilities.

{¶4} When Ramsey failed to verify in person his current residence address with the Hamilton County Sheriff's office by August 13, 2008, a letter was sent to Ramsey warning him that he could face criminal charges if he did not report to the Hamilton County Sheriff's office no later than August 21, 2008. When Ramsey failed to appear by August 21, 2008, he was charged with violating R.C. 2950.06. Ramsey subsequently entered a no-contest plea to the charge, and the trial court found him guilty. The trial court sentenced him to three years of community control and ordered him to pay court costs and a \$250 fine. This appeal followed.

II. Analysis

{¶5} In his sole assignment of error, Ramsey argues that the trial court violated his due-process rights when it convicted him under R.C. 2950.06 because the statute contains no culpable mental state.

{¶6} R.C. 2950.06(A) provides, in pertinent part, that "[a]n offender * * * who is required to register a residence address pursuant to division (A)(2), (3), or (4) of section 2950.04 or 2950.041 of the Revised Code shall periodically verify the offender's * * * current residence * * *."

{¶7} R.C. 2950.06(F) further provides that "[n]o person who is required to verify a current residence * * * as applicable, pursuant to divisions (A) to (C) of this

² The trial court subsequently denied his petition seeking reclassification on July 8, 2009. Ramsey did not appeal the trial court's decision.

section shall fail to verify a current residence * * * in accordance with those divisions, by the date required for the verification as set forth in division (B) of this section, provided that no person shall be prosecuted * * * prior to the expiration of the period of time specified in division (G) of this section.”

{¶8} R.C. 2950.06(G)(1) provides that “[i]f an offender fails to verify a current residence address * * * as required by division (A) to (C) of this section by the date required for the verification set forth in division (B) of this section, the sheriff with whom the offender * * * is required to verify the current address, on the day following that date required for the verification, shall send a written warning to the offender * * * at the offender’s * * * last known residence * * * regarding the offender’s * * * duty to verify the offender’s * * * residence * * *.”

{¶9} R.C. 2950.06(G)(1)(c) and (f) further provide that the written warning “must conspicuously state that the offender * * * has seven days from the date on which the warning is sent to verify [his] current residence * * * with the sheriff who sent the warning” and that “if the offender * * * does not verify the current residence * * * with that sheriff within that seven-day period, the offender * * * will be arrested or taken into custody, as appropriate, and prosecuted * * * for a failure to timely verify a current address * * *.” R.C. 2950.06(G)(2)(c) also provides that an offender is subject to prosecution if he fails to comply with R.C. 2950.06(F).

{¶10} Ramsey acknowledges that a number of Ohio appellate districts have held that a sexual offender’s failure to provide a change of address³ and a sexual offender’s failure to verify a current address are strict-liability offenses.⁴ But those decisions concern the reporting requirements under former R.C. 2950.05 and

³ See *State v. Beasley* (Sept. 27, 2001), 8th Dist. No. 77761; *State v. Robinson*, 6th Dist. No. E-07-020, 2009-Ohio-2921, at ¶¶8-17; *State v. Blanton*, 10th Dist. No. 08AP-844, 2009-Ohio-5334, at ¶¶12-27.

⁴ See *State v. Hardy*, 9th Dist. No. 21015, 2002-Ohio-6457, at ¶¶7-24.

2950.06. Ramsey, however, was convicted under the Am.Sub.S.B. No. 10 version of R.C. 2950.06. After examining the language in former R.C. 2950.06 and its legislative history, as well as the language in the current version of R.C. 2950.06 and its legislative history, we find no substantive differences between the two statutes. As a result, we agree with Ramsey that a violation of R.C. 2950.06 is a strict-liability offense based upon the reasoning articulated in the cited decisions.⁵

{¶11} Ramsey argues that imposing strict liability for a violation of R.C. 2950.06 violates his due-process rights. But the Ohio Supreme Court has held that “the failure to require mens rea, standing alone, does not violate due process.”⁶ The record, moreover, reveals that the Hamilton County Sheriff’s office provided Ramsey with the statutorily required notifications, including the seven-day warning letter, prior to his prosecution under R.C. 2950.06.⁷ Ramsey simply chose to ignore them. We, therefore, overrule his sole assignment of error and affirm the judgment of the trial court.

Judgment affirmed.

HILDEBRANDT, P.J., and HENDON, J., concur.

Please Note:

The court has recorded its own entry this date.

⁵ See, also, *State v. Willis*, 8th Dist. No. 93237, 2010-Ohio-1751, at ¶16 (noting that a violation of R.C. 2950.06, as amended by Am.Sub.S.B. No. 10, is a strict-liability offense).

⁶ *State v. Schlosser* (1997), 79 Ohio St.3d 329, 332, 681 N.E.2d 911, citing *United States v. Greenbaum* (C.A.3, 1943), 138 F.2d 437.

⁷ See *State v. Williams*, 114 Ohio St.3d 103, 2007-Ohio-3268, 868 N.E.2d 969, syllabus.