

[Cite as *State v. Bowlin*, 2010-Ohio-4274.]

**IN THE COURT OF APPEALS OF OHIO  
SECOND APPELLATE DISTRICT  
MONTGOMERY COUNTY**

STATE OF OHIO	:	
	:	Appellate Case No. 23366
Plaintiff-Appellee	:	
	:	Trial Court Case No. 09-CRB-2655
v.	:	
	:	(Criminal Appeal from Dayton
MICHAEL BOWLIN	:	Municipal Court)
	:	
Defendant-Appellant	:	
	:	
	:	

.....

OPINION

Rendered on the 10<sup>th</sup> day of September, 2010.

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JOHN J. DANISH, Atty. Reg. #0046639, and STEPHANIE L. COOK, Atty. Reg. #0067101, by GARRETT P. BAKER, Atty. Reg. #0084416, City of Dayton Prosecutor's Office, 335 West Third Street, Room 372, Dayton, Ohio 45402  
Attorney for Plaintiff-Appellee

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Attorney for Defendant-Appellant

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BROGAN, J.

{¶ 1} Michael Bowlin appeals from his conviction in the Dayton Municipal Court of sexual imposition. As a Tier I offender Bowlin was ordered to register with the Montgomery County Sheriff as required by R.C. 2950.07. Bowlin is also subject to the residency restrictions set forth in R.C. 2950.034.

{¶ 2} In his first assignment of error, appellant contends the registration requirements of R.C. Chapter 2950 constitute punishment as applied to Tier I sex offenders and offend the ex post facto provisions of the United States and Ohio Constitution. It, of course, makes no difference whether the registration requirement is punitive or remedial, if the law is being applied prospectively. The prohibition against ex post facto and retroactive legislation only involves laws sought to be applied by the State retroactively. S.B. 10 (the Adam Walsh Act) was enacted effective January 1, 2008. Bowlin was convicted in 2009 and ordered to register under the provisions of the 2008 legislation. The appellant's first assignment of error is Overruled.

{¶ 3} Bowlin also argues that the residency restriction that he not live within 1,000 feet of a school violates his fundamental liberty right to live where he wishes as well as his right to privacy. This court and several Ohio appellate courts have rejected these claims. See *State v. Mark Hall* (June 19, 2009), Montgomery App. No. 22969. The appellant's second assignment of error is likewise Overruled. The judgment of the trial court is Affirmed.

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DONOVAN, P.J., and GRADY, J., concur.

Copies mailed to:

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Hon. Deirdre E. Logan