

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Scott*, Slip Opinion No. 2012-Ohio-5910.]

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SLIP OPINION NO. 2012-OHIO-5910

THE STATE OF OHIO, APPELLEE, v. SCOTT, APPELLANT.

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Court of appeals' judgment reversed on the authority of In re Bruce S.

(No. 2012-0332—Submitted December 13, 2012—Decided December 18, 2012.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 91890, 2011-Ohio-6255.

{¶ 1} The judgment of the court of appeals on the first proposition, which raises the issue of sex-offender classification under S.B. 10, is reversed on the authority of *In re Bruce S.*, ___ Ohio St.3d ___, 2012-Ohio-5696, ___ N.E.2d ___, and the cause is remanded to the trial court for the limited purpose of holding a classification hearing consistent with *In re Bruce S.*

{¶ 2} The appeal on the second proposition, which asserts that it “is plain error to fail to instruct a jury that sexual contact requires a defendant to have the purpose to touch one of the erogenous zones described in R.C. 2907.01(B),” is dismissed as having been improvidently allowed.

SUPREME COURT OF OHIO

O'CONNOR, C.J., and PFEIFER, LUNDBERG STRATTON, O'DONNELL,
LANZINGER, and CUPP, JJ., concur.

KENNEDY, J., not participating.

Timothy J. McGinty, Cuyahoga County Prosecuting Attorney, and Daniel
T. Vane, Assistant Prosecuting Attorney, for appellee.

Robert L. Tobik, Cuyahoga County Public Defender, and John T. Martin,
Assistant Public Defender, for appellant.
