

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

THOMAS W. NOLDE,	:	
	:	CASE NO. CA2009-06-088
Petitioner-Appellant,	:	
	:	<u>OPINION</u>
- vs -	:	3/22/2010
	:	
STATE OF OHIO,	:	
	:	
Respondent-Appellee.	:	

CIVIL APPEAL FROM WARREN COUNTY COURT OF COMMON PLEAS
Case No. 08CV70575

Thomas W. Nolde, #404985, Lebanon Correctional Institution, P.O. Box 56, 3791 State Route 63, Lebanon, Ohio 45036, petitioner-appellant, pro se

Rachel A. Hutzler, Warren County Prosecuting Attorney, Michael Greer, 500 Justice Drive, Lebanon, Ohio 45036, for respondent-appellee

BRESSLER, P.J.

{¶1} Petitioner-appellant, Thomas W. Nolde, appeals the decision of the Warren County Court of Common Pleas denying his petition to contest his sex offender reclassification.

{¶2} Appellant pled guilty to two counts of rape and five counts of gross sexual imposition on February 15, 2001, in Defiance County. At that time, the trial court classified appellant as a sexual predator. On January 8, 2008, appellant received notice that he was reclassified by the Ohio Attorney General's Office as a Tier III sex offender.

Appellant filed his petition to contest his reclassification on February 1, 2008. Following a hearing, a magistrate denied appellant's petition, and the trial court adopted the magistrate's decision. Appellant appeals from that judgment, and this court has interpreted his brief to assert a single assignment of error.

{¶3} Assignment of Error No. 1:

{¶4} SENATE BILL 10 VIOLATES THE RETROACTIVE CLAUSE OF THE OHIO CONSTITUTION AND THE EX POST FACTO CLAUSE OF THE UNITED STATES CONSTITUTION.

{¶5} Appellant argues that Senate Bill 10, also known as the Adam Walsh Act, violates both the Ohio Constitution's prohibition on retroactive laws and the Ex Post Facto Clause of the United States Constitution. We disagree.

{¶6} In *State v. Williams*, Warren App. No. CA2008-02-029, 2008-Ohio-6195, this court held that Senate Bill 10 is not unconstitutionally retroactive. *Id.* at ¶36. Although provisions of Senate Bill 10 were intended to apply retroactively to all sexual offenders, the classification and registration provisions are remedial in nature. *Id.* at ¶26, 36. Therefore, Senate Bill 10 does not violate the ban on retroactive laws set forth in Section 28, Article II of the Ohio Constitution. *Id.* at ¶36.

{¶7} This court also held in *Williams* that Senate Bill 10 does not violate the Ex Post Facto Clause of the United States Constitution, as Senate Bill 10 is a remedial, civil statute that is not punitive in effect so as to negate the legislature's nonpunitive intent. *Id.* at ¶49, ¶74-75. Accordingly, appellant's sole assignment of error is without merit.

{¶8} Judgment affirmed.

RINGLAND and HENDRICKSON, JJ., concur.