

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

[Cite as *Hart v. State*, 127 Ohio St.3d 72, 2010-Ohio-4985.]

Discretionary appeal accepted on Proposition of Law No. III, judgment of the court of appeals reversed in part on the authority of State v. Bodyke, and cause remanded to the trial court for further proceedings consistent with State v. Bodyke.

(No. 2010-1258 — Submitted September 28, 2010 — Decided October 19, 2010.)

APPEAL from the Court of Appeals for Hamilton County, No. C-090029.

{¶ 1} The discretionary appeal is accepted on Proposition of Law No. III.

{¶ 2} The judgment of the court of appeals is reversed as to that portion of the judgment that rejected a constitutional challenge to the Adam Walsh Act on separation-of-powers grounds on the authority of *State v. Bodyke*, 126 Ohio St.3d 266, 2010-Ohio-2424, 933 N.E.2d 753, and the cause is remanded to the trial court for further proceedings, if any, necessitated by *State v. Bodyke*.

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

Dinsmore & Shohl, L.L.P., Michael J. Newman, Christopher R. McDowell, and Kurt R. Hunt, for appellant.

Joseph T. Deters, Hamilton County Prosecuting Attorney, and Paula E. Adams, Assistant Prosecuting Attorney, for appellee.
