

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
	:	
Plaintiff-Appellee,	:	
	:	
v.	:	No. 09AP-622
	:	(C.P.C. No. 08CR-08-6186)
Daniel S. Fowler,	:	
	:	(REGULAR CALENDAR)
Defendant-Appellant.	:	

D E C I S I O N

Rendered on March 2, 2010

Ron O'Brien, Prosecuting Attorney, and *John H. Cousins, IV*,
for appellee.

Stephen P. Ames, for appellant.

APPEAL from the Franklin County Court of Common Pleas

TYACK, P.J.

{¶1} Daniel S. Fowler is appealing from issues related to his conviction on two charges of voyeurism as a misdemeanor of the first degree and one charge of pandering sexually oriented matter involving a minor, a felony of the second degree. He assigns two errors for our consideration:

[1.] The Trial Court failed to follow the mandatory requirement as prescribed in R.C. 2929.13 [1] at sentencing.

[II.] The Defendant was without adequate assistance of Counsel, as required by the Sixth Amendment to the U.S. Constitution.

{¶2} R.C. 2929.13(l) reads:

If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under sections 2950.04, 2950.041 [2950.04.1], 2950.05, and 2950.06 of the Revised Code, and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration. If required under division (A)(2) of section 2950.03 of the Revised Code, * * * the judge shall perform the duties specified in that division.

{¶3} The trial judge assigned to Fowler's case did, in fact, review the fact that Fowler was being found guilty of an offense that was and is a Tier II sex offense. The issue was reviewed at the time Fowler entered his guilty pleas and was reviewed again on the day of Fowler's sentencing. The trial judge stated:

As the assistant prosecuting attorney has indicated, the pandering sexually oriented matter offense is a Tier II sex offense, and I know that at the time of the plea I believe Mr. Boland had indicated that he had gone over all of those registration requirements with you.

I believe that the Court also went over the registration requirements, but just to summarize those, after you are released, you will be required to register with the sheriff of the county that you're going to be living in. You will be required to verify your address every six months for a period of 25 years.

If you are working or going to school in a separate county, you also have to register in the counties in which you're attending school or where you are employed. If you move, if your address changes, you have to notify the sheriff of the jurisdictions of that change.

You are also required to register with them in terms of notifying them of your Internet identifiers, license plate numbers, including license plate numbers of any employers, telephone numbers and that type of information that is required by statute.

(Tr. 19-20.)

{¶4} The trial judge also verified that Fowler had been given a form which detailed Fowler's registration requirements, had reviewed it with counsel and had acknowledged his understanding of the registration requirements.

{¶5} The trial court fully complied with R.C. 2929.13(I). The first assignment of error is overruled.

{¶6} The second assignment of error asserts that Fowler received ineffective assistance of trial counsel under the Sixth Amendment to the United States Constitution. The case which guides our consideration of this issue is *Strickland v. Washington* (1984), 466 U.S. 668, 104 S.Ct. 2052. For appellate counsel to prevail on this issue, counsel must demonstrate that, but for trial counsel's deficient performances, the outcome of the proceedings would have been different. Appellate counsel cannot demonstrate that the outcome of the proceedings was affected by anything related to trial counsel's performance.

{¶7} Fowler entered into a very favorable plea bargain. His guilt on numerous charges was clear. He openly acknowledged that guilt during his sentencing hearing. Nothing in the record before us supports a finding that Fowler received ineffective assistance of counsel.

{¶8} The second assignment of error is overruled.

{¶9} Both assignments of error having been overruled, the judgment of the Franklin County Court of Common Pleas is affirmed.

Judgment affirmed.

BROWN and FRENCH, JJ., concur.
