

[Cite as *Smith v. Greene Cty. Sheriff*, 2009-Ohio-3038.]

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

JOSHUA SMITH

Plaintiff-Appellant

v.

GREENE COUNTY SHERIFF

Defendant-Appellee

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Appellate Case No. 08-CA-17

Trial Court Case No. 2007-MS-23

(Civil Appeal from
Common Pleas Court)

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OPINION

Rendered on the 19th day of June, 2009.

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Attorney for Plaintiff-Appellant

STEPHEN K. HALLER, Atty. Reg. #0009172, by ELIZABETH A. ELLIS, Atty. Reg. #0074332, Greene County Prosecutor's Office, 61 Greene Street, Xenia, Ohio 45385
Attorney for Defendant-Appellee

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BROGAN, J.

{¶ 1} Joshua Smith appeals from the judgment of the Greene County Common Pleas Court wherein the court denied his petition to contest his reclassification as a Tier II Sex Offender. Smith was convicted in Georgia of a sexually oriented offense substantially equivalent to Gross Sexual Imposition, a violation of R.C. 2907.05(A)(4).

Smith was previously registered in Ohio as a sexually oriented offender, but under R.C. Chapter 2950 as amended by S.B. 10, his registration period has been extended by 15 years and his frequency of reporting increased. Smith is not subject to the community notification provisions of S.B. 10.

{¶ 2} Smith contends S.B. 10 violates the Ohio and United States constitutional prohibitions against ex post facto laws as applied to him. For the reasons stated in our recent opinion of *State v. Barker*, Montgomery App. No. 22963, 2009-Ohio-2774, assignment of error is Overruled.

{¶ 3} The judgment of the trial court is Affirmed.

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FAIN and FROELICH, JJ., concur.

Copies mailed to:

Robert K. Hendrix
Stephen K. Haller
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Hon. Stephen Wolaver