

[Cite as *Austin v. Ohio Att’y. Gen.*, 2009-Ohio-4348.]

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
ROSS COUNTY

RAYMOND DEAN AUSTIN,

Plaintiff-Appellant,

vs.

OHIO ATTORNEY GENERAL,
et al.,

Defendants-Appellees.

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Case No. 08CA3033

DECISION AND JUDGMENT ENTRY

APPEARANCES:

COUNSEL FOR APPELLANT: Raymond Dean Austin, No. A240084, C.C.I., P.O.
Box 5500, Chillicothe, Ohio 45601, Pro Se

COUNSEL FOR APPELLEES: Richard Cordray, Ohio Attorney General, and Robert
Eskridge, III and Jeffery William Clark, Ohio Assistant
Attorneys General, 30 East Broad Street, 16th Floor,
Columbus, Ohio 43215

CIVIL APPEAL FROM MUNICIPAL COURT
DATE JOURNALIZED: 8-18-09

ABELE, J.

{¶ 1} This is an appeal from a Chillicothe Municipal Court judgment that dismissed “claim(s)” brought by Raymond Dean Austin, plaintiff below and appellant herein, against the Ohio Attorney General and various others, defendants below and appellees herein. Although appellant’s brief does not contain an assignment of error as required by App.R. 16(A)(3), we will treat it as having assigned the following for review:

**“THE TRIAL COURT ERRED IN DISMISSING THIS CASE
BELOW.”**

{¶ 2} Appellant commenced the instant action on January 25, 2008. Although the allegations in his “complaint” and other pleadings are difficult to discern, appellees and the trial court treated them as a challenge to sexual offender reclassification under Ohio’s Adam Walsh Child Protection and Safety Act” (AWA), Am.Sub.S.B. 10, 2007 Ohio Laws, File No. 10. On May 9, 2008, the State filed a Civ.R. 12(B)(1) (lack of subject matter jurisdiction) and 12(B)(6) (failure to state a claim) motion to dismiss the case. On May 13, 2008, the trial court dismissed the action because it had been filed in the wrong court. This appeal followed.

{¶ 3} At the outset, we note that although the pleadings appellant filed are virtually indecipherable, his brief on appeal confirms that he was, indeed, challenging his sexual offender reclassification status. That said, the entirety of appellant’s brief is devoted to raising arguments that should be raised in the forum where he challenges that reclassification. The only question before us now is whether the trial court erred in dismissing the case. We readily answer that question in the negative.

{¶ 4} As the trial court correctly ruled, the Ohio General Assembly specified that challenges to reclassifications under the AWA are to be filed in the common pleas court where the offender is domiciled. R.C. 2950.031(E). The trial court here is a municipal court, not the proper forum for appellant to file a challenge to reclassification. Accordingly, we hereby overrule appellant’s “assignment of error” and affirm the trial court’s judgment.

JUDGMENT AFFIRMED.

JUDGMENT ENTRY

It is ordered that the judgment be affirmed and that appellees recover of appellant costs herein taxed.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Chillicothe Municipal Court to carry this judgment into execution.

A certified copy of this entry shall constitute that mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

Kline, P.J. & Harsha, J.: Concur in Judgment & Opinion
For the Court

BY: _____
Peter B. Abele, Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.