

COURT OF APPEALS  
COSHOCTON COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

|                     |   |                             |
|---------------------|---|-----------------------------|
| STATE OF OHIO       | : | JUDGES:                     |
|                     | : | Hon. Sheila G. Farmer, P.J. |
| Plaintiff-Appellee  | : | Hon. W. Scott Gwin, J.      |
|                     | : | Hon. Julie A. Edwards, J.   |
| -VS-                | : |                             |
|                     | : |                             |
| CHARLES ROBERTS     | : | Case No. 08CA0024           |
|                     | : |                             |
| Defendant-Appellant | : | <u>O P I N I O N</u>        |

CHARACTER OF PROCEEDING: Appeal from the Court of Common Pleas,  
Case Nos. 08CI0071 and 01CR112

JUDGMENT: Affirmed

DATE OF JUDGMENT ENTRY: June 19, 2009

APPEARANCES:

For Plaintiff-Appellee

JASON W. GIVEN  
318 Chestnut Street  
Coshocton, OH 43812

For Defendant-Appellant

JEFFREY A. MULLEN  
239 North Fourth Street  
Coshocton, OH 43812

*Farmer, P.J.*

{¶1} On March 4, 2002, appellant, Charles Roberts, pled guilty to one count of unlawful sexual conduct with a minor in violation of R.C. 2907.04 (Case No. 01CR112). He was subsequently classified as a sexually oriented offender.

{¶2} On or about December 1, 2007, appellant received a notice of new classification and registration duties pursuant to Ohio's "Adam Walsh Act." Appellant was classified as a Tier II sex offender, and was subject to the registration requirements therein.

{¶3} On January 25, 2008, appellant filed a petition to contest the application of the Adam Walsh Act (Case No. 08CI0071). A hearing was held on August 26, 2008. By judgment entries filed September 12, 2008 (Case No. 08CI0071) and December 9, 2008 (Case No. 01CR112), the trial court denied the petition.

{¶4} Appellant filed an appeal and this matter is now before this court for consideration. Assignments of error are as follows:

I

{¶5} "THE COURT ERRED IN DENYING APPELLANT'S PETITION IN THAT THE ADAM WALSH ACT AS RETROACTIVELY APPLIED IS AN IMPERMISSIBLE *EX POST FACTO* LAW."

II

{¶6} "THE COURT ERRED IN DENYING APPELLANT'S PETITION AS APPLICATION OF OHIO'S AWA IN HIS CASE IS A RETROACTIVE LAW."

III

{¶7} "THE COURT ERRED IN DENYING APPELLANT'S PETITION IN THAT HIS RECLASSIFICATION VIOLATES THE SEPARATION OF POWERS DOCTRINE."

IV

{¶8} "THE COURT ERRED IN DENYING APPELLANT'S PETITION IN THAT APPLICATION OF THE AWA IN HIS CASE REPRESENTED A DOUBLE JEOPARDY VIOLATION."

I, II, III, IV

{¶9} Appellant claims the trial court erred in denying his petition. Specifically, appellant claims Ohio's Adam Walsh Act violates the principles of ex post facto law, retroactive law, separation of powers, and double jeopardy. We disagree.

{¶10} As for appellant's arguments regarding ex post facto and retroactive law, we adopt the well reasoned opinion filed April 27, 2009 by the Honorable Patricia A. Delaney in *State v. Sigler*, Richland App. No. 08-CA-79, 2009-Ohio-2010. Appellant's arguments on these two issues are denied.

{¶11} As for appellant's arguments regarding separation of powers and double jeopardy, we adopt the well reasoned opinions filed May 20, 2009 by the Honorable W. Scott Gwin in *State v. Perkins*, Coshocton App. No. 2008-CA-20, 2009-Ohio-\_\_\_\_, and *State v. Hughes*, Coshocton App. No. 2008-CA-23, 2009-Ohio \_\_\_\_.

{¶12} Based upon the cited cases, we find the trial court did not err in denying appellant's petition.

{¶13} Assignments of Error I, II, III, and IV are denied.

{¶14} The judgment of the Court of Common Pleas of Coshocton County, Ohio is hereby affirmed.

By Farmer, P.J.

Gwin, J. and

Edwards, J. concur.

s/SHEILA G. FARMER

s/W. SCOTT GWIN

s/JULIE A. EDWARDS

JUDGES

SGF/sg 0305

## JUDGES