

COURT OF APPEALS  
MUSKINGUM COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

STATE OF OHIO	:	JUDGES:
	:	W. Scott Gwin, P.J.
	:	Sheila G. Farmer, J.
Plaintiff-Appellee	:	John W. Wise, J.
	:	
-vs-	:	Case No. CT2012-0043
	:	
CLIFFORD BRONKAR	:	
	:	
Defendant-Appellant	:	<u>OPINION</u>

CHARACTER OF PROCEEDING: Criminal Appeal from Muskingum County Court of Common Pleas Case No. CR2007-0279

JUDGMENT: Affirmed

DATE OF JUDGMENT ENTRY: March 13, 2013

APPEARANCES:

For Plaintiff-Appellee

D. MICHAEL HADDOX  
Muskingum County Prosecutor

BY: RON WELCH  
Assistant Prosecuting Attorney  
27 North Fifth Street  
Zanesville, Ohio 43701

For Defendant-Appellant

CLIFFORD BRONKAR  
Inmate #579014  
P.O. Box 5500  
Chillicothe, Ohio 45601

Wise, J.

{¶1} Appellant Clifford Bronkar appeals a judgment of the Muskingum County Common Pleas Court reclassifying him as a sexually oriented offender.

{¶2} Appellant was indicted on one count of rape (R.C. 2907.02(A)(1)(c)) and one count of sexual battery (R.C. 2907.03(A)(5)) on November 2, 2007. On May 21, 2008, he entered a plea of guilty to sexual battery and the rape charge was nolle. He was sentenced on May 23, 2008 to five years incarceration. He was classified as a Tier III sex offender under the Adam Walsh Act.

{¶3} On May 15, 2012, appellant filed a motion to correct his classification. The matter came before the court for a reclassification hearing on July 30, 2012. Appellant was reclassified as a sexually oriented offender. Appellant assigns two errors on appeal:

{¶4} “I. WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN FAILING TO VACATE IMPOSED SENTENCE.

{¶5} “II. WHETHER THE TRIAL COURT ABUSED ITS DISCRETION IN IMPOSING THE MAXIMUM SENTENCE.”

{¶6} Appellant assigns two errors, both of which challenge his original sentence imposed in 2008. The entry he is appealing relates solely to the trial court’s reclassification from a Tier III sex offender to a sexually oriented offender. All issues related to his five year prison sentence imposed in 2008 should have been appealed at that time, and are now *res judicata*.

{¶7} Appellant's first and second assignments of error are overruled.

{¶8} The judgment of the Muskingum County Common Pleas Court is affirmed.

By: Wise, J.

Gwin, P.J. and

Farmer, J. concur

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JUDGES

