

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
**No. 90276**

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**STATE OF OHIO**

PLAINTIFF-APPELLEE

vs.

**TERRY ASHFORD**

DEFENDANT-APPELLANT

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**JUDGMENT:**  
REMANDED

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Civil Appeal from the  
Cuyahoga County Common Pleas Court  
Case No. CR-493785

**BEFORE:** Sweeney, A.J., Rocco, J., and Boyle, J.

**RELEASED:** July 3, 2008

**JOURNALIZED:**

[Cite as *State v. Ashford*, 2008-Ohio-3366.]

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N.B. This entry is an announcement of the court's decision. See App.R. 22(B), 22(D) and 26(A); Loc.App.R. 22. This decision will be journalized and will become the judgment and order of the court pursuant to App.R. 22(E) unless a motion for reconsideration with supporting brief, per App.R. 26(A), is filed within ten (10) days of the announcement of the court's decision. The time period for review by the Supreme Court of Ohio shall begin to run upon the journalization of this Court's announcement of decision by the clerk per App.R. 22(E). See, also, S.Ct. Prac.R. II, Section 2(A)(1).

[Cite as *State v. Ashford*, 2008-Ohio-3366.]  
JAMES J. SWEENEY, A.J.:

{¶ 1} Defendant-appellant, Terry Ashford (“defendant”), appeals the judgment of the Cuyahoga County Court of Common Pleas adjudicating him a sexual predator pursuant to R.C. Chapter 2950. For the reasons that follow, the matter is remanded to the trial court for further proceedings.

{¶ 2} In this case, the trial court held a sexual classification hearing following defendant’s convictions for voyeurism. Defendant now appeals and raises a sole assignment of error for our review, which states:

{¶ 3} “I. The evidence is insufficient, as a matter of law, to prove ‘by clear and convincing evidence’ that appellant ‘is likely to engage in the future in one or more sexually oriented offenses.’”

{¶ 4} At oral argument, the State conceded error and indicated that remand is necessary in this matter to address the propriety of defendant’s classification as a sexual predator. Accordingly, defendant’s sole assignment of error is sustained by agreement of the parties and this matter is remanded to the trial court for further proceedings.

Judgment remanded.

It is ordered that appellant recover from appellee his 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 Court of Common Pleas to carry this judgment into execution. Case remanded to the trial court.

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

JAMES J. SWEENEY, ADMINISTRATIVE JUDGE

KENNETH A. ROCCO, J., and  
MARY J. BOYLE, J., CONCUR