

[Cite as *Boylan v. State*, 2009-Ohio-865.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 91448

THOMAS BOYLAN

PLAINTIFF-APPELLEE

vs.

STATE OF OHIO

DEFENDANT-APPELLANT

**JUDGMENT:
DISMISSED**

Civil Appeal from the
Cuyahoga County Court of Common Pleas
Case No. CV-648236

BEFORE: McMonagle, J., Rocco, P.J., and Dyke, J.

RELEASED: February 26, 2009

JOURNALIZED:

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N.B. This entry is an announcement of the court's decision. See App.R. 22(B) 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(C) 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(C). See, also, S.Ct. Prac.R. II, Section 2(A)(1).

CHRISTINE T. McMONAGLE, J.:

{¶ 1} Defendant-appellant, the State of Ohio, appeals the April 18, 2008 trial court judgment granting the motion for immediate relief from community notification filed by plaintiff-appellee Thomas Boylan. We dismiss.

{¶ 2} Boylan pleaded guilty in 1999 to one count of gross sexual imposition. He was sentenced to six months and labeled a sexually oriented offender under former R.C. 2950.09. In 2007, Boylan was reclassified by the Ohio Attorney General as a Tier III sex offender under the newly-enacted Adam Walsh Act. Boylan filed a petition in the court of common pleas challenging the constitutionality of the Act and a motion for immediate relief from community notification. The court granted Boylan's motion for immediate relief from community notification; his claim that the Act is unconstitutional remains pending.

{¶ 3} Because a claim remains pending, we dismiss for lack of a final appealable order. See *Jones v. State*, Cuyahoga App. No. 91359, 2009-Ohio-629; *Hughes v. State*, Cuyahoga App. No. 91363, 2009-Ohio-630; and *George v. State*, Cuyahoga App. No. 91504, 2009-Ohio-595.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

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

CHRISTINE T. McMONAGLE, JUDGE

KENNETH A. ROCCO, P.J., and
ANN DYKE, J., CONCUR