

STATE OF OHIO)
)ss:
COUNTY OF LORAIN)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE OF OHIO

C. A. No. 09CA0009641

Appellant

v.

MELISSA WILLIAMS

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF LORAIN, OHIO
CASE No. 00CR055138

Appellee

DECISION AND JOURNAL ENTRY

Dated: February 1, 2010

DICKINSON, Presiding Judge.

INTRODUCTION

{¶1} A jury found Melissa Williams guilty of complicity to rape, complicity to kidnapping, complicity to sexual battery, and sexual battery. The trial court sentenced her to 11 years in prison and classified her as a sexually oriented offender under Megan’s Law. After the legislature enacted the Adam Walsh Act, the State told Ms. Williams that she would be reclassified as a Tier III sex offender. Ms. Williams moved for relief from the community notification requirements imposed on her under the new act. Following a hearing, the court granted her motion. It concluded that, not only was Ms. Williams entitled to relief under the doctrine of res judicata, but also under the factors listed in Section 2950.11(F)(2) of the Ohio Revised Code. The State has appealed, assigning as error that the trial court incorrectly concluded that res judicata prohibited the imposition of mandatory community notification on Ms. Williams. This Court affirms because the State has not challenged the court’s determination

that Ms. Williams should be relieved from community notification under the factors listed in Section 2950.11(F)(2).

COMMUNITY NOTIFICATION

{¶2} Section 2950.11 of the Ohio Revised Code controls community notification under the Adam Walsh Act. It requires community notification for Tier III sex offenders like Ms. Williams unless “a court finds at a hearing . . . that the person would not be subject to the notification provisions of this section that were in the version of this section that existed immediately prior to the effective date of this amendment.” R.C. 2950.11(F)(2). Section 2950.11(F)(2) lists the factors that the court “shall consider” when it decides “whether a person would have been subject to the notification provisions under prior law” *Id.*

{¶3} Even if the trial court incorrectly concluded that Ms. Williams was entitled to relief from community notification under the doctrine of res judicata, this Court is “required to affirm [its] judgment if any valid grounds are found on appeal to support it.” *McKay v. Cutlip*, 80 Ohio App. 3d 487, 491 (1992). Besides concluding that res judicata applied, the court wrote that it had “conducted an evidentiary hearing with respect to the factual issues to be determined before [Ms. Williams] can be subject to a community notification order under R.C. 2950.11(F)(2) of the Adam Walsh Act.” It determined “from the evidence presented at hearing that defendant should not be subject to the community notification provisions of R.C. 2950.11(A).” It also wrote that “litigation of the issues which would provide [Ms. Williams] with relief from community notification under R.C. 2950.11 . . . have been resolved in [her] favor after hearing and a determination of the factual issues set forth in R.C. 2950.11(F)(2)”

{¶4} The State has not contested the trial court’s conclusion that Ms. Williams is entitled to relief from community notification under Section 2950.11(F)(2). Because the court’s

conclusion provides a valid reason for its judgment aside from its decision about the doctrine of res judicata, it is not necessary for this Court to determine whether res judicata applied. The State's assignment of error is overruled.

CONCLUSION

{¶5} The trial court concluded that Ms. Williams should be relieved from the Adam Walsh Act's community notification requirement under the factors listed in Section 2950.11(F)(2) of the Ohio Revised Code. The judgment of the Lorain County Common Pleas Court is affirmed.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Lorain, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(E). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to appellant.

CLAIR E. DICKINSON
FOR THE COURT

CARR, J.
WHITMORE, J.
CONCUR

APPEARANCES:

DENNIS P. WILL, prosecuting attorney, and M. ROBERT FLANAGAN, assistant prosecuting attorney, for appellant.

BRIAN J. DARLING, attorney at law, for appellee.