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SLIP OPINION NO. 2026-OHIO-3472

THE STATE OF OHIO, APPELLEE, v. SMITH, APPELLANT.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Smith*, Slip Opinion No. 2026-Ohio-3472.]

Criminal law—R.C. 2950.05(F)(2)—Plain, ordinary meaning of “place of employment address,” as used in sex-offender registration statute, is the physical environment where an offender performs work—Statute requiring registration of a new “place of employment address” not unconstitutionally vague as applied to offender who registered only the business address of his employer but not the address of the physical location where he worked for several weeks—Court of appeals’ judgment upholding conviction affirmed.

(No. 2025-1215—Submitted June 9, 2026—Decided September 8, 2026.)

APPEAL from the Court of Appeals for Geauga County,

No. 2025-G-0005, 2025-Ohio-2736.

FISCHER, J., authored the opinion of the court, which KENNEDY, C.J., and DEWINE, BRUNNER, DETERS, HAWKINS, and SHANAHAN, JJ., joined.

FISCHER, J.

{¶ 1} Appellant, Christopher B. Smith Jr., filed this discretionary appeal from the judgment of the Eleventh District Court of Appeals, which affirmed Smith’s felony conviction under R.C. 2950.05(F)(2) for failure to register a new “place of employment address.”¹ Smith, a Tier III sex-offender, must comply with registration duties under R.C. Ch. 2950, including R.C. 2950.05(F)(2). Smith argues that the phrase “place of employment address” as used in R.C. 2950.05(F)(2) is unconstitutionally vague as applied to him, and he therefore contends that the trial court should have dismissed the indictment against him. We determine that the phrase “place of employment address” in R.C. 2950.05(F)(2) must be accorded its plain, ordinary meaning, which is the physical environment where an offender performs work. And using that meaning, we hold that R.C. 2950.05(F)(2) is not unconstitutionally vague as applied to Smith, and we affirm the judgment of the Eleventh District upholding Smith’s conviction.

FACTS AND PROCEDURAL BACKGROUND

{¶ 2} Appellee, the State of Ohio, indicted Smith in the Geauga County Court of Common Pleas on August 21, 2023, on one count of failure to register in violation of R.C. 2950.05(F)(2), a third-degree felony, for his failing to register the address of a new place of employment. Smith filed a motion to dismiss and argued that the phrase “place of employment address” in R.C. 2950.05(F)(2) was ambiguous and susceptible to more than one reasonable interpretation. Smith alleged that he was employed through the Center for Employment Opportunities in Cleveland, Ohio, and specifically placed with Immaculate Cleaning, a janitorial service that serves businesses throughout Northeastern Ohio. While working for

1. The General Assembly amended R.C. 2950.05 in 2024 Sub.H.B. No 289 (effective Mar. 20, 2025). This opinion applies the version of the statute enacted in 2007 Am.Sub.S.B. No. 10 (effective Jan. 1, 2008).

Immaculate Cleaning, Smith would meet an Immaculate Cleaning van driver at a designated location in Cleveland on each workday, and he and the rest of the janitorial crew would take the van to an assigned jobsite. On the date of the alleged offense—June 21, 2023—Smith and his fellow crew members were assigned to Camp Wise, a children’s camp in Geauga County. Although the record does not establish the exact number of days Smith had been assigned to Camp Wise before he was arrested, the parties do not dispute the trial court’s factual finding that Smith had been working at Camp Wise for several weeks.

{¶ 3} According to Smith, he had registered his place of employment as Immaculate Cleaning with the Cuyahoga County Sheriff’s Office. Smith argued in this motion to dismiss that he had remained working at all relevant times for Immaculate Cleaning, and therefore, he was not required to register a new place of employment when he began his work assignment at Camp Wise. Smith argued that the confusion in his case was because the General Assembly had failed to define “place of employment address” in R.C. 2950.05(F)(2).

{¶ 4} The State filed a response to Smith’s motion to dismiss, arguing that R.C. 2950.05(F)(2) was not ambiguous and that the phrase “place of employment address” should be given its plain meaning. According to the State, the plain meaning of “place of employment” is the location where the offender performs work. Applying the statute to Smith, the location where Smith performed his work was Camp Wise.

{¶ 5} The trial court denied Smith’s motion to dismiss. The trial court reasoned that Smith’s place of employment was where he spent most of his workday on a daily basis, not the corporate address of his employer where Smith did not spend his workday. Following the trial court’s decision denying his motion to dismiss, Smith pleaded no contest to the violation of R.C. 2950.05(F)(2). The trial court accepted Smith’s no-contest plea and sentenced him to three years of community control.

{¶ 6} Smith appealed his conviction to the Eleventh District. On appeal, Smith argued that R.C. 2950.05(F)(2) is ambiguous and subject to varying interpretations and that, as applied to the facts in his case, the statute is void for vagueness. Smith argued, as he did before the trial court, that the phrase “place of employment address” in R.C. 2950.05(F)(2) lacks a statutory definition, and any failure by Smith to comply with the statute as alleged by the State is attributable to the vague and ambiguous nature of the statute. Smith argued that he did not change employment and that he remained employed with Immaculate Cleaning at all relevant times. Because Smith’s employer transported him to a jobsite for the day, Smith argued that he should not be required to register a new place of employment. Therefore, Smith argued that it is unclear what conduct was prohibited under the statute.

{¶ 7} The Eleventh District affirmed Smith’s conviction. 2025-Ohio-2736 (11th Dist.). The Eleventh District applied the common meaning to the words in the phrase “place of employment address” as used in R.C. 2950.05(F)(2), *id.* at ¶ 24, and it reasoned that the phrase means “the location where an offender performs work,” *id.* at ¶ 25. The Eleventh District further reasoned that the plain-meaning approach was supported by the statutory scheme. *Id.* at ¶ 26. Therefore, the Eleventh District held that “place of employment address,” as used in R.C. 2950.05(F)(2), was not unconstitutionally vague as applied to Smith, and it held that the trial court properly denied Smith’s motion to dismiss. *Id.* at ¶ 29.

{¶ 8} Smith filed this discretionary appeal. We accepted jurisdiction over the following proposition of law:

When a statute fails to define a term which is an element of an offense, a Defendant’s Due Process rights under the vagueness doctrine of the Fifth and Fourteenth Amendments to the Constitution of the United States and Article I Section 16 of the Ohio

Constitution, as applied to the facts of this case, are violated by the trial court's failure to grant a Motion to Dismiss.

See 2025-Ohio-5220.

ANALYSIS

{¶ 9} Smith challenges R.C. 2950.05(F)(2), as applied to him, as being void for vagueness. With respect to criminal statutes, a statute will not be void for vagueness if the statute “‘define[s] the criminal offense with sufficient definiteness that ordinary people can understand what conduct is prohibited and in a manner that does not encourage arbitrary and discriminatory enforcement.’” *State v. Hacker*, 2023-Ohio-2535, ¶ 30, quoting *Kolender v. Lawson*, 461 U.S. 352, 357 (1983). “Thus, the adequacy of notice is evaluated from two perspectives: whether a person subject to the law can understand what is prohibited and whether those prohibitions are clear enough to prevent arbitrary enforcement.” *Id.*

{¶ 10} The State charged Smith with failure to register a new place of employment under R.C. 2950.05(F)(2), which provides that “[n]o person who is required to register a new residence, school, institution of higher education, or place of employment address with a sheriff or with an official of another state pursuant to divisions (B) and (C) of [R.C. 2950.05] shall fail to register with the appropriate sheriff or official of the other state in accordance with those divisions.”

{¶ 11} In relevant part, R.C. 2950.05(B) provides that

[i]f an offender . . . is required to provide notice of a residence, school, institution of higher education, or place of employment address change under division (A) of [R.C. 2950.05], . . . the offender . . . , at least twenty days prior to changing the residence, school, or institution of higher education address and not later than three days after changing the place of employment address, as applicable, also shall register the new address in the manner, and using the form, described in

divisions (B) and (C) of section 2950.04 or 2950.041 of the Revised Code, whichever is applicable, with the sheriff of the county in which the offender's . . . new address is located, subject to division (C) of [R.C. 2950.05].

{¶ 12} According to Smith, the phrase “place of employment address” in R.C. 2950.05(F)(2) is vague as applied to him because the phrase is not defined in the statute, making it unclear whether his conduct in registering his employer’s business address, as opposed to the address of his daily work assignment, amounted to criminal conduct.

{¶ 13} The Eleventh District held, and the State argues here, that the common, everyday meaning of “place of employment address” means the location where the offender is physically present while performing work. We agree. “Place” is defined as a “physical environment.” *Merriam-Webster Online*, <https://www.merriam-webster.com/dictionary/place> (accessed Aug. 1, 2026) [<https://perma.cc/L2MT-MC8H>]. “Employment” is defined as the “activity in which one engages or is employed.” *Merriam-Webster Online*, <https://www.merriam-webster.com/dictionary/employment> (accessed Aug. 1, 2026) [<https://perma.cc/DR3Q-GJCT>]. Similarly, Black’s Law Dictionary defines “place of employment” as “[t]he location at which work done in connection with a business is carried out; the place where some process or operation related to the business is conducted.” *Black’s Law Dictionary* (12th Ed. 2024).

{¶ 14} Smith argues in his merit brief that the State’s plain-meaning approach would require him to register with the sheriff of any county in which he performs daily working activities, and that such a requirement defies common sense and could not have been anticipated by the drafters of the legislation. Smith’s argument is unpersuasive, however, because the phrase “place of employment address” in R.C. 2950.05(F)(2) cannot be viewed in a vacuum. R.C. 2950.05(F)(2) is part of a detailed statutory scheme in R.C. Ch. 2950 governing sex-offender

classification, registration, and notification. R.C. 2950.05(F)(2) incorporates by reference R.C. 2950.05(B), which in turn incorporates by reference R.C. 2950.04, which governs an offender's initial duty to register. R.C. 2950.04(A)(2)(c) provides that "[t]he offender shall register personally with the sheriff, or the sheriff's designee, of the county in which the offender is employed if the offender resides or has a temporary domicile in this state *and has been employed in that county for more than three days or for an aggregate period of fourteen or more days in that calendar year.*" (Emphasis added.) Therefore, the duty-to-register statutes contemplate temporary and transient work assignments and do not require, as Smith suggests, an offender to register in a new county on a daily basis.

{¶ 15} Smith also argues against the State's plain-meaning application of "place of employment address" by pointing out the burdens placed on offenders who work as pizza-delivery drivers, plumbers, and other tradespeople who do not physically work in one set location. Because Smith raised an as-applied challenge, we decline to consider his arguments related to other, hypothetical offenders. Therefore, we will save for another day the effect that R.C. 2950.05(F)(2) might have on other working offenders.

{¶ 16} Having determined that "place of employment address" in R.C. 2950.05(F)(2) must be accorded its plain, ordinary meaning, which is the physical environment where an offender performs work, we turn to whether R.C. 2950.05(F)(2) is unconstitutionally vague as applied to Smith. We hold that it is not. The undisputed facts show that Smith had been physically located at Camp Wise in Geauga County while performing work for at least several weeks as of the date alleged in the indictment. Therefore, R.C. 2950.05(F)(2) provided sufficient notice to Smith that he was required to register the Camp Wise address in Geauga County as an employment address.

CONCLUSION

{¶ 17} We hold that the phrase “place of employment address” in R.C. 2950.05(F)(2) must be given its plain, ordinary meaning, i.e. the physical environment where an offender performs work. Consequently, R.C. 2950.05(F)(2) is not unconstitutionally vague as applied to Smith, who worked in Geauga County for several weeks but failed to register that address with the sheriff in Geauga County. Therefore, we affirm the judgment of the Eleventh District Court of Appeals upholding Smith’s conviction for failure to register.

Judgment affirmed.

James R. Flaiz, Geauga County Prosecutor, and Christian A. Bondra and Nicholas A. Burling, Assistant Prosecuting Attorneys, for appellee.

Paul J. Mooney, Geauga County Public Defender, for appellant.
