

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-070309
	:	TRIAL NO. B-9004558
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
LONES MILLS,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendant-appellant Lones Mills appeals the trial court’s decision adjudicating him a sexual predator. In 1990, Mills had pleaded guilty to one count of rape² and two counts of sexual battery.³ Mills was sentenced to concurrent terms of 10-25 years’ incarceration for the rape and to two years for each sexual battery. In 2007, the court held a sexual-predator-classification hearing, at the conclusion of which Mills was adjudicated a sexual predator.

The decision of a trial court classifying an offender as a sexual predator is reviewed under a civil manifest-weight-of-the-evidence standard.⁴ Under this standard, a decision

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

² R.C. 2907.02.

³ R.C. 2907.03.

⁴ See *State v. Wilson*, 113 Ohio St.3d 382, 2007-Ohio-2202, 865 N.E.2d 1264; *State v. Cooper*, 1st Dist. No. C-060677, 2007-Ohio-4464.

supported by competent and credible evidence will not be reversed by a reviewing court.⁵ Moreover, we will not reverse a sexual-predator adjudication “simply because we hold a different opinion concerning the credibility of the witnesses and evidence submitted before the trial court.”⁶

For an offender to be designated a sexual predator under R.C. 2950.09, the state must prove by clear and convincing evidence that the offender has been convicted of a sexually oriented offense, and that the offender is likely to engage in the future in one or more sexually oriented offenses.⁷ In making the determination whether an offender is likely to engage in future sexually oriented offenses, the trial court is to consider all relevant factors, including those enumerated in R.C. 2950.09(B)(3).⁸

In this case, the court considered the factors in R.C. 2950.09 and concluded that Mills was convicted of a sexually oriented offense, and that he was likely to reoffend. Specifically, the court noted that Mills “had sexual intercourse with his daughter, who was under 12 years of age, on numerous occasions. She became pregnant three times. She had two abortions, and one child was born and then adopted.” Additionally, the court considered Mills’s presentence investigation, prison records, mental-health examination, and criminal record. The victim was young,⁹ the illegal sexual conduct demonstrated a pattern of abuse,¹⁰ and Mills had threatened to kill the victim if she told anyone about his misconduct.¹¹ We are convinced that the trial court did not err in determining that Mills is a sexual predator, and its determination is accordingly affirmed.

⁵ See *id.* at ¶24.

⁶ See *Seasons Coal Co. v. Cleveland* (1984), 10 Ohio St.3d 77, 81, 461 N.E.2d 1273.

⁷ R.C. 2950.01(E); *State v. Eppinger*, 91 Ohio St.3d 158, 163, 2001-Ohio-247, 743 N.E.2d 881.

⁸ See, *Eppinger*, *supra*, 91 Ohio St.3d at 166.

⁹ R.C. 2950.09 (B)(3)(c).

¹⁰ R.C. 2950.09(B)(3)(h).

¹¹ R.C. 2950.09(B)(3)(i).

OHIO FIRST DISTRICT COURT OF APPEALS

A certified copy of this Judgment Entry shall constitute the mandate, which shall be sent to the trial court under App. R. 27. Costs shall be taxed under App.R. 24.

PAINTER, P.J., HENDON and DINKELACKER, JJ.

To the Clerk:

Enter upon the Journal of the Court on February 27, 2008
per order of the Court _____.
Presiding Judge