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

REX MCCRACKIN,	:	APPEAL NO. C-080718 TRIAL NO. SP-0800039
Petitioner-Appellant,	:	*JUDGMENT ENTRY.*
vs.	:	
STATE OF OHIO,	:	
Respondent-Appellee.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 3(A); App.R. 11.1(E); Loc.R. 11.1.1.

Petitioner-appellant, a convicted sex offender, was classified under former R.C. Chapter 2950 ("Megan's Law"). *See* Am.Sub.H.B. No. 180, 146 Ohio Laws, Part II, 2560, enacted in 1996, amended in 2003 by Am.Sub.S.B. No. 5, 150 Ohio Laws, Part IV, 6556. Petitioner was later notified that he had been reclassified under Am.Sub.S.B. No. 10 ("Senate Bill 10") as a Tier sex offender. Petitioner filed a petition to contest the reclassification, challenging the constitutionality of Senate Bill 10. The trial court overruled the constitutional challenges to Senate Bill 10 and denied the petition.

The parties have filed a "joint motion to submit on the authority of *State v. Williams*." We hereby grant the motion. The parties have also stipulated that petitioner's sex offense occurred before Senate Bill 10's enactment.

In *State v. Williams*, 129 Ohio St.3d 344, 2011-Ohio-3374, 952 N.E.2d 1108, the Ohio Supreme Court held that Senate Bill 10, "as applied to defendants who committed

sex offenses prior to its enactment, violates Section 28, Article II of the Ohio Constitution, which prohibits the General Assembly from passing retroactive laws." *Id.* at syllabus. The court concluded that Senate Bill 10's more stringent classification, registration, and community-notification provisions imposed "new or additional burdens, duties, obligations, or liabilities as to a past transaction" and created "new burdens, new duties, new obligations, or new liabilities not existing at the time" upon sex offenders who had committed their crimes prior to Senate Bill 10's enactment. *Id.* at ¶ 19. The court held that Senate Bill 10's classification, registration, and community-notification provisions were punitive and could not constitutionally be retroactively applied to sex offenders who had committed their sex offenses before its enactment.

In *State v. Bodyke*, 126 Ohio St.3d 266, 2010-Ohio-2424, 933 N.E.2d 753, the Ohio Supreme Court held that the remedy for those sex offenders who had been previously classified under Megan's Law was reinstatement of their Megan's Law classification, community-notification, and registration orders. *See id.* at ¶ 66.

Petitioner had committed a sex offense prior to Senate Bill 10's enactment and had been classified under Megan's Law. In accordance with *Williams* and *Bodyke*, the judgment of the trial court is reversed, and petitioner's previous classification, community-notification, and registration orders are reinstated.

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.

HILDEBRANDT, P.J., DINKELACKER and **FISCHER, JJ.**

To the clerk:

Enter upon the journal of the court on January 27, 2012

per order of the court _____.
Presiding Judge