

ORIGINAL

IN THE SUPREME COURT OF OHIO

In re: D.S.

Supreme Court Case No. 2014-0607

A Delinquent Child

Court of Appeals Case No. 13-CA-58

ON APPEAL FROM THE LICKING COUNTY COURT OF APPEALS,
FIFTH APPELLATE DISTRICT OF OHIO

APPELLEE'S MEMORANDUM IN OPPOSITION TO JURISDICTION

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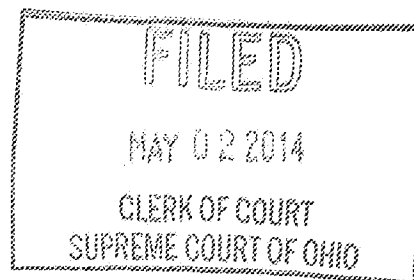


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**STATEMENT OF APPELLEE'S POSITION AS TO WHETHER THE CASE IS OF
PUBLIC OR GREAT GENERAL INTEREST OR INVOLVES A SUBSTANTIAL
CONSTITUTIONAL QUESTION:**

**This Case Does Not Involve a Matter of Public or Great General Interest
or a Substantial Constitutional Question.**

The State of Ohio, Appellee, submits that the arguments raised by Appellant do not involve a matter of public or great general interest nor a substantial constitutional question.

Appellant appeals from the Fifth District Court of Appeals, and sets forth his position as to “why this case is one of public or great general interest or involves a substantial constitutional question.” In his brief, Appellant attempts to broaden the scope of the Fifth District’s holding by stating that “a child’s case can be reopened any time after disposition if the State discovers that it failed to prove a fact necessary to determine the child’s eligibility for classification as a juvenile offender registrant.” Appellant’s Brief at 1. This is not an accurate summary of the Fifth District’s holding. Appellant’s case was not “reopened” at any point. Rather, the trial court properly heard testimony on matters specifically related to whether Appellant was eligible to be classified. No double jeopardy issue arose in Appellant’s case.

Appellant also attempts to argue that “the timing mechanism of R.C. 2152.83(B) is unconstitutional because it allows courts to enter multiple and successive punishments for juvenile offenders who are committed to a secure facility at initial disposition.” Appellant’s Brief at 1. This issue should not be accepted as the decision as to whether punishments are “multiple” is one of legislative intent. In this case, registration was timely completed in accordance with a statute that specifically provides for the timing of the classification hearing in juvenile cases where the child has been committed to a secure facility. There is an obvious public policy basis for this provision – the legislature wanted to ensure that, prior to ordering a child to be classified, the juvenile court would

be able to take into consideration any mitigating factors that arose while the child was incarcerated, such as counseling, and behavior while incarcerated.

Finally, this Court has declined to accept a case posing the same argument as Appellant's third proposition of law, namely, that registration imposed by the Juvenile Court cannot persist past the date the juvenile attains the age of twenty-one. *See In re Raheem*, 136 Ohio St.3d 1560, 2013-Ohio-4861, 996 N.E.2d 987. There is no new legal theory being presented in the case at issue; therefore, since this Court has not accepted jurisdiction on this issue previously, jurisdiction should be declined in this case as well.

As such, based on the foregoing, Appellee submits that leave to appeal to this Court should not be granted as the issues are not of public or great general interest, and do not involve a constitutional question.

ARGUMENT IN SUPPORT OF APPELLEE'S POSITION

Appellant's Proposition of Law I:

"A juvenile court is without authority to hold an evidentiary hearing after a youth's adjudication and disposition in order to allow the State to prove that a child was age-eligible for registration under Senate Bill 10."

Appellant's assertion that this Court was required to determine his age at the time of his offenses at adjudication is unsupported. Appellant argues that evidentiary issues related to classification should have been addressed at the original adjudicatory hearing. In doing so Appellant relies upon *State v. Raber*; however, *Raber* does not stand for the proposition of law that is argued in Appellant's brief. The decision in *Raber* does not support the notion that a determination of Appellant's age-eligibility for registration should have occurred at adjudication. *State v. Raber*, 134 Ohio St.3d 350, 2012-Ohio-5636, 982 N.E.2d 684. Additionally, the *Raber* case is distinguishable

from Appellant's case as there was a final judgment in *Raber* that the trial court attempted to modify. There was no such final judgment in Appellant's case, as the applicable law is different for adults and juveniles.

The major, and most relevant, difference in the two cases is that the defendant in *Raber* was an adult defendant. Therefore, the provisions that were cited in the *Raber* case are not applicable to juvenile cases, such as Appellant's case. Pursuant to R.C. 2950.03(A)(2), the court in *Raber* was required to provide notice of the duty to register to the defendant at the time of sentencing. This section is not applicable in juvenile cases. In R.C. 2950.03(A)(3), the legislature specifically addressed delinquent children, stating that:

[T]he judge shall provide the notice to the delinquent child at the time specified in division (B) of section 2152.82, division (C) of section 2152.83, division (C) of section 2152.84, or division (E) of section 2152.85 of the Revised Code, whichever is applicable.

Since there is a section of the Revised Code specifically relating to classification of juvenile delinquents, it is implied that section (A)(2) does not apply to juveniles. Rather, it applies only to adults.

This is significant because it determines the issue of whether the judgment in Appellant's case was a "final judgment" that the trial court would be unable to modify. In *Raber*, the court rendered a judgment of sentencing without any mention of sex offender classification and did not provide him with notice of duty to register. *Raber*, 134 Ohio St.3d 350, 982 N.E.2d 684, ¶ 8. The applicable statute under which the *Raber* case should be analyzed specifically states that this must occur at sentencing. R.C. 2950.03(A)(2). Therefore, the absence of such a finding in the sentencing entry acts as final entry with a finding that *Raber* was not classified. *Raber* at ¶ 18. Subsequently, months after this final judgment, the trial court held an evidentiary hearing on the same issue that,

per statute, should have been determined at sentencing. *Id.* at ¶ 9. After the victim testified about whether the intercourse was consensual, the trial court made a finding that the sexual conduct was nonconsensual and Raber was classified as a Tier I sex offender subject to registration. *Id.* at ¶ 9. However, since the trial court had already issued a ruling on the issue of sex offender classification, the court lacked the authority to reconsider its final judgment and was barred by the protections of the Double Jeopardy Clause of the Fifth Amendment to the United States Constitution from classifying Raber after the sentence was already imposed. *Id.*

This is significantly different from the issue presented in Appellant's case. To the contrary, in this case, the Ohio Revised Code specifically mandated that juvenile classification be addressed subsequent to Appellant's release from a secured facility. R.C. 2950.03(A)(3); R.C. 2152.83(B). There is no equivalent adult legislation which allows for classification to be addressed at any time other than sentencing. *Raber* at ¶ 2; R.C. 2950.03(A)(2). Therefore, the judgment entry that was entered in Appellant's case at the time of the original dispositional hearing was not a final entry on the issue of sex offender classification. Appellant attempts to argue that the holding in *Raber* should be applied to delinquency matters. He fails to note that the holding in *Raber* is based on a statute that only applies to adults. The adult statute has no applicability in juvenile cases; therefore, it would be impossible to apply this holding to juvenile cases. The issues that were decided in the *Raber* case do not apply to the current case and, therefore, no constitutional issues are raised with the classification in Appellant's case.

Appellant also attempts to argue that his age at the time of the offense, an issue relevant only to classification, should have been proven at adjudication. He attempts the use the *Raber* case to make this assertion; however, this is totally unsupported by *Raber*. In *Raber*, the trial court did consider evidence at the time of sentencing for the purpose of determining whether Raber should be

subject to sex offender classification. *Raber* at ¶8. “At the sentencing hearing, only hearsay statements of Raber’s former girlfriend were presented on the issue of consent. The parties agreed to brief the [issue] and the trial court took the matter under advisement.” *Id.* This occurred in November of 2008. *Id.* “However, the parties never submitted briefs on the issue, and on December 1, 2008, the court entered judgment...” *Id.* Therefore, at the sentencing hearing, evidence was presented on the issue, albeit scant evidence, and the parties were to submit briefs, which were never submitted. *Id.* The trial court then rendered a judgment. *Raber* at ¶8.

This is a completely different situation from what happened in Appellant’s case. Whereas the State in *Raber* was given the opportunity to prove the necessary facts relevant to classification and did not, the State in Appellant’s case did prove the necessary facts relevant to Appellant’s classification. The State proved beyond a reasonable doubt that Appellant was fourteen at the time of his offenses, making him eligible for sex offender classification. (T.pp. 37-38). The classification hearing upon Appellant’s release was the proper time to hear such evidence relating to issues solely pertaining to classification. R.C. 2152.83(B).

The State and delinquent children are both permitted to present evidence on issues relating to classification at the classification hearing. As stated above, for delinquent children who are committed to the Department of Youth Services as Appellant was, the proper time to address issues relating to classification is upon their release. R.C. 2950.03(A)(2); R.C. 2950.03(A)(3); R.C. 2152.83(B). The trial court is directed to hold a hearing to determine a number of issues relating to whether the delinquent child has been rehabilitated during their commitment. R.C. 2152.83(B)(2). The State and delinquent child both could present evidence regarding the juvenile’s treatment progress, behaviors while incarcerated, and other relevant information for the trial court to consider whether determining whether to classify a juvenile. The age of the juvenile at the time of the offense

is just one additional fact that must be proven prior to the trial court classifying the juvenile as a Juvenile Offender Registrant (JOR). As Appellant concedes in his brief, neither the age of the perpetrator at the time of the offense, nor the date when the offense occurred, are elements of the offense that must be proven at the time of adjudication. It is only relevant for purposes of classification; therefore, it is properly considered at the time of a classification hearing.

Appellant attempts to argue that at a classification hearing, the trial court is limited to only consider “the nature of the offense; the child’s remorse; the public interest and safety; the factors in 2950.11 and 2929.12; and, the results of the child’s treatment.” Appellant’s Brief at 4-5. Appellant specifically states that “[a]ge is not one of the factors listed in R.C. 2152.83(D).” Appellant’s Brief at 5. He attempts to use this argument as a basis to support his assertion that the trial court could only make a determination of the child’s age at adjudication or disposition. However, this argument is faulty as Appellant fails to consider the language of 2152.83(D) in its entirety, which states “[i]n making a decision under division (B) of this section as to whether a delinquent child should be classified a juvenile offender registrant, *a judge shall consider all relevant factors, including, but not limited to, all of the following...*” (emphasis added). The statute then goes on to list the factors that were listed in Appellant’s brief. The portion of the statute emphasized above clearly allows the judge to consider “all relevant factors” when holding a classification hearing. The age of the child at the time of the offense is a relevant factor for the court to consider when determining whether the child is eligible for registration.

Appellant uses two additional cases to support his assertion that the State could not present evidence of Appellant’s age at a classification hearing. These cases can both be distinguished from the case at bar, and actually seem to support the State’s argument that it could present evidence to prove that Appellant was age-eligible for registration at the time of the classification hearing. In *In*

the Matter of N.Z., the trial court classified the juvenile without making a specific finding of his age. *In the Matter of N.Z.*, at ¶113. The appellate court found that since the time frame in the complaint spanned a period when N.Z. was both 13 and 14, the trial court needed to make a specific finding as to his age at the time of the incident. *Id.* However, contrary to Appellant's argument, the appellate court did not state that this had to happen at adjudication. In fact, the appellate court noted that

[a]t the hearing for N.Z.'s disposition and classification, there was no discussion of his age at the time of the offense. The court classified him as a Tier III sex offender without first making the necessary finding of his age at the time of the offense. Without specifically finding him to be 14 at the time of the offense, the trial court could not designate him as a JOR subject to classification and the attendant registration requirements.

Id. Additionally, the appellate court remanded the case back to the trial court for a determination of his age for purposes of whether he can be designated as a JOR subject to sex offender classification. *In the Matter of N.Z.*, at ¶115. If this age determination had to be made at the time of adjudication, as Appellant attempts to argue, then the trial court would no longer be able to make this determination and the appellate court would have simply vacated the judgment rather than sending the matter back on remand for age determination.

The trial court in Appellant's case did make a specific finding as to Appellant's age at the time of the incident. That was the point of having the evidentiary hearing on his age at the time of the offense during the classification hearing. Therefore, this case is entirely distinguishable from the facts in *N.Z.* Appellant also cites *In the Matter of J.M.*, which has a similar set of facts to *N.Z.* *In the Matter of J.M.*, 7th Dist. Jefferson No 09 JE 21, 2010-Ohio-2700. Nothing in the record in *J.M.* established whether J.M. was thirteen or fourteen at the time of the offense. *In the Matter of J.M.*, at ¶23. Therefore, the matter was remanded to the trial court for this determination. *Id.* at ¶66. Again, in this case, Appellant's age at the time of the offense was proven to be fourteen. Therefore, these

two cases support the presentation of evidence relating to the determination of Appellant's age at a dispositional hearing subsequent to adjudication.

In consideration of the above, it is apparent that the Licking County Juvenile Court did not err when it held an evidentiary hearing on June 17, 2013, for the purpose of determining whether Appellant was age-eligible for registration. Nothing in the case law that was provided by Appellant in his brief supports Appellant's assertions that the age of Appellant must have been determined at the time of adjudication. To the contrary, the case law appears to support the determination of a juvenile's age at the time of the classification hearing to determine registration. The original dispositional entry was not a final entry on the issue of registration and therefore the trial court was not barred from determining classification at a date subsequent to adjudication. Accordingly, there was no double jeopardy issue presented in Appellant's case and therefore jurisdiction should be declined by this Court.

Appellant's Proposition of Law II:

"The timing mechanism of R.C. 2152.83(B) is unconstitutional because the imposition of classification at any time other than disposition violates the Double Jeopardy Clauses of the United States and Ohio Constitutions."

Appellant's reliance on *State v. Raber* for the proposition that the classification of an adjudicated delinquent at any time other than disposition violates the Double Jeopardy Clauses of the United States and Ohio Constitutions is misguided. *State v. Raber* is a challenge to the constitutionality of R.C. 2950.03(A)(2) when applied to an offender subsequent to sentencing. R.C. 2950.03(A)(2) mandates that the judge shall provide notice to the offender of the duty to register at the time of sentencing. In *Raber*, the Ohio Supreme Court concluded that imposing sex-offender registration subsequent to the offender's original sentencing is a violation of double jeopardy protections. *State v. Raber*, 134 Ohio St.3d 350, 2012-Ohio-5636, 982 N.E.2d 684. The State

submits that the Ohio Supreme Court's holding in *State v. Raber* is not applicable to a delinquent child's classification as a juvenile offender registrant because R.C. 2950.03(A)(2) mandates that classification of adult offenders *only* occur at the time of sentencing.

In this matter, Appellant's notification to register is not subject to R.C. 2950.03(A)(2), rather R.C. 2950.03(A)(3) governs classification for delinquent juveniles. Pursuant to R.C. 2152.83(C) a delinquent child must be given notice of the duty register at the time the judge issues an order classifying the delinquent child as a juvenile offender registrant and designating the delinquent child as either a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender. Where a delinquent child is committed to a secured facility at the time of disposition, a court is required by statute to issue any classification orders upon the child's release from said facility. R.C. 2152.83.

Here, classification and notice to register are subject to R.C. 2152.83(B) which provides the court may classify a delinquent as a juvenile offender registrant at the time of disposition or upon the child's release from a secure facility if specific factors apply. The Fifth District Court of Appeals has held that the use of the word "may" by the legislature in R.C. 2152.83(B) indicates the court has discretion to decide whether, not when, to classify the child. *In re B.G.*, 5th Dist. Ashland No. 2011-COA-012, 2011-Ohio-5898. The Fifth District elaborated on this holding providing that, with regard to a delinquent child who is fourteen or fifteen at the time of the commission of the offense, the court may determine that classification is not necessary, may hold a hearing but decline to classify the child, or may hold a hearing and order that the child is subject to classification. *In re B.G.* at ¶32; R.C. 2152.83(B)(2). However, a court does not have discretion regarding when it conducts a classification hearing; the court must conduct such a hearing at disposition, unless the child is referred to a secured facility at the time of disposition. *Id.* at ¶38.

Unlike adult offenders, who must be classified and provided notice to register at the time of sentencing, Ohio law specifically provides for a separate and successive proceeding pertaining to juvenile classification. The Ohio legislature intended that a court consider classification only after a delinquent child completes their commitment to a secured facility. R.C. 2950.03(A)(2); R.C. 2952.83(B)(2); *In re B.G.* at ¶38. The purpose of waiting until the completion of a commitment to a secured facility is to allow the court to determine whether the disposition and treatment provided for the delinquent child while in a secured facility was effective. R.C. 2952.83(B)(2); *In re B.G.* at ¶37. Furthermore, Appellant was put on notice that such a separate and successive proceeding would occur upon his release from ODYS because, in accordance with R.C. 2952.83(B), at the time of Disposition the Licking County Juvenile Court ordered that “Classification as a Juvenile Sex Offender Registrant is DEFERRED OR DELAYED pending efforts at Rehabilitation while committed to ODYS.” Appellant did not have a legitimate expectation of finality pertaining to the Disposition of December 8, 2010.

Additionally, Appellant attempts to argue that this procedure imposes multiple criminal punishments for the same offense in successive proceedings. This is not an accurate statement. Appellant relies on the *Raber* case to support this proposition; however, his reliance on this case is again unfounded. As discussed above, the appellant in *Raber* only had a legitimate expectation of finality in his judgment because that finality was specifically prescribed in legislation. Since *Raber*’s classification had to be addressed at sentencing, when this failed to occur, a final judgment was created. As outlined previously in this memorandum, Appellant has no such expectation of finality. The legislation specifically provided for a subsequent classification in cases such as Appellant’s – there was no final judgment in his case in regards to classification.

Additionally, in making its decision in Appellant’s case, the Fifth District noted that “[t]he

principal behind the Double Jeopardy Clause ‘is that the State with all its resources and power should not be allowed to make repeated attempts to convict an individual for the alleged offense, thereby subjecting him to embarrassment, expense and ordeal and compelling him to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent he may be found guilty.’” *In re D.S.*, 5th Dist. Licking No. 13-CA-58, 2014-Ohio-867, ¶67, citing *State v. Roberts*, 119 Ohio St.3d 294, 2008-Ohio-3835, 893 N.E.2d 818, ¶ 11 (quoting *Green v. United States*, 355 U.S. 184, 187-188, 78 S. Ct. 221, 2 L.Ed. 2d 199 (1957)). The Fifth District also noted that “[b]ecause the substantive power to prescribe crimes and determine punishments is vested with the legislature . . . the question under the Double Jeopardy Clause whether punishments are ‘multiple’ is essentially one of legislative intent.” *Id.* at ¶68, citing *United States v. Wiltberger*, 5 Wheat. 76, 93, 5 L.Ed. 37 (1820), and *Missouri v. Hunter*, 459 U.S. 359, 366, 103 S.Ct. 673, 678, 74 L.Ed.2d 535 (1983).

In this case, the legislature clearly mandated that, when a child is sent to a secure facility, the classification hearing should happen after his release to ensure that the court can take any mitigating factors into consideration. In cases where a child has improved and engaged in recommended counseling, this is a benefit as the court can take these factors into consideration and potentially determine that he should not be required to register. The legislative intent for these specific situations clearly indicates that the legislature did not intend this to be a “multiple” punishment – rather, the legislature made a policy decision and specifically provided for this to occur.

Accordingly, the Delinquent Child’s argument that classification upon his release from a secured facility violates the Double Jeopardy Clause of the Fifth Amendment to the United States Constitution is unfounded and directly contradictory to the unambiguous language and purpose of the Ohio statutes governing juvenile classification. The Licking County Juvenile Court’s consideration

of all issues related to classification of Appellant following his release from the Ohio Department of Youth Services was proper and was not in violation of the Constitutions of the United States and Ohio.

Appellant's Proposition of Law III:

"The imposition of a punitive sanction that extends beyond the age jurisdiction of the juvenile court violates the Due Process Clauses of the United States and Ohio Constitutions.

As stated above, Appellee specifically notes that this exact proposition of law has been declined to be heard by this Court. See *In re Raheem*, 136 Ohio St.3d 1560, 2013-Ohio-4861, 996 N.E.2d 987. There is no novel proposition of law set forth in Appellant's brief that was not already raised in the above case; therefore, jurisdiction should be declined in Appellant's case as well.

Appellant acknowledges in his brief that the jurisdiction of juvenile court is defined by the legislature. When deciding Appellant's case, the Fifth District noted that "[t]he legislature retains the power to define the jurisdiction of the courts as long as powers inherently reserved for the judiciary are not infringed upon. *In re D.S.*, 5th Dist. Licking No. 13-CA-58, 2014-Ohio-867, ¶57., citing *Seventh Urban, Inc., v. University Circle*, 67 Ohio St.2d 19 (1981). The Fifth District then went on to say that, in Appellant's case, registration was discretionary and the juvenile court was given broad discretion whether to classify D.S. and, if so, under what tier. *Id.* at ¶58.

The Fifth District then went on to state that "[l]aws limiting rights, other than fundamental rights, are constitutional with respect to substantive due process and equal protection if the laws are rationally related to a legitimate goal of government." *Id.* at ¶60, citing *State v. Thompkins*, 75 Ohio St.3d 558 (1996). Classification and registration of juveniles, extending beyond their 21st birthday, is rationally related to a legitimate goal of government.

The purpose of juvenile dispositions "are to provide for the care, protection, and mental and

physical development of children subject to this chapter, protect the public interest and safety, hold the offender accountable for the offender's actions, restore the victim, and rehabilitate the offender.” R.C. 2152.01(A). In this matter, Appellant focuses only on rehabilitation of the offender and ignores the other three prongs. However, the Supreme Court of Ohio has recognized that the state has “valid interest in enforcing its criminal laws against juveniles and, in at least some cases in requesting that the juvenile court impose significant penalties in their disposition.” *In re C.S.*, 115 Ohio St.3d 267, 2007-Ohio-4919, 874 N.E.2d 1177, ¶77. As such, disposition extending beyond the delinquent’s 21st birthday is rationally related to a legitimate government interest. The Fifth District also noted, when deciding Appellant’s case, that registration requirements also serve to help motivate juveniles to comply with treatment in order to reduce or completely eliminate their registration requirements. *In re D.S.*, 2014-Ohio-867, ¶62.

Appellant argues that a punitive registration scheme that extends beyond the age jurisdiction of the juvenile court does not comport with the rehabilitative purposes of the juvenile justice system. However, while rehabilitation is a focus of juvenile courts, such courts “have constantly evolved as policymakers and grappled with the inherent tension between the goals of rehabilitee and the protection of society.” *In re C.S.*, 115 Ohio St.3d 267, 2007-Ohio-4919, 874 N.E.2d 1177, ¶75. As such, no fundamental right exists to prevent a court from ordering classification and registration to continue past the age of twenty-one. Further supporting that no such fundamental right exists, the Ohio Supreme Court has repeatedly upheld legislation pertaining to juveniles who are subject to blended-sentences and receive prison terms for delinquency that are served beyond their 21st birthday. *State v. D.H.*, 120 Ohio St. 3d 540, 2009-Ohio-9, 901 N.E.2d 209; *In re J.V.*, 134 Ohio St.3d 1, 2012-Ohio-4961, 979 N.E.2d 1203. Accordingly, the State submits to this Court that no fundamental right of Appellant is affected by classification which exceeds his 21st birthday.

Appellant also attempts to expand the Supreme Court of Ohio's decision in *In re C.P.* to apply in this situation. However, the appellant in C.P.'s case was classified as a public-registry qualified juvenile offender registrant (PRQJOR). See *In re C.P.*, 131 Ohio St.3d 513, 2012-Ohio-1446, 967.N.E.2d 729. This is not the same type of registration as was imposed in this case, and the differences in the two types of registration are significant. In *C.P.*, the Supreme Court of Ohio found it to be significant that the juvenile court is unable to review registration for PRQJOR's "until 25 years after their statutory registration duties begin". *In re C.P.* at ¶ 23. Additionally, such registration attaches automatically when the child is designated a serious youthful offender (SYO), allowing no discretion to the juvenile court.

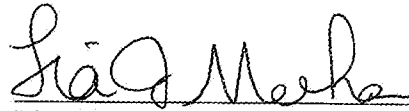
This Court has recognized that this is a different situation than regular JOR classifications. Indeed, the Court noted that JOR's can petition the court for reclassification at certain intervals, the longest being five years between petitions. *Id.* Additionally, in Appellant's case, this was not an automatic classification. A hearing was held to determine whether registration was necessary in his case, and it was determined that it was. In combination with the ability to review the classifications, juvenile courts are able to take into consideration whether the JOR has been successfully rehabilitated when deciding whether to continue their classifications. Therefore, contrary to Appellant's argument, the juvenile court can and does consider the rehabilitation efforts of the juvenile; however, these efforts are appropriately balanced with the necessity of ensuring the public safety.

Accordingly, there is no Due Process violation where the Licking County Juvenile Court properly registered Appellant to be a juvenile offender registrant and classified him to be a Tier II sex offender.

CONCLUSION

For the foregoing reasons, Appellee respectfully submits that this case does not involve matters of public or great general interest nor substantial constitutional questions. Appellee respectfully requests that this Court decline to accept jurisdiction of this case.

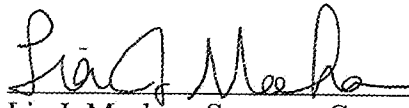
Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was duly served upon Brooke Burns, Esq., Office of the Public Defender, 250 East Broad Street, Suite 1400, Columbus, Ohio 43215, attorney for Appellant, by ordinary U.S. Mail, this 2nd day of May, 2014.



Lia J. Meehan, Supreme Court #0082133
Attorney for Appellee