

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,
CUYAHOGA COUNTY

State v. Scott

2023 Ohio 370 (Ohio Ct. App. 2023) · No. No. 111461 · Decided February 9, 2023

SUMMARY

The Ohio Eighth District Court of Appeals reversed and vacated Joseph T. Scott’s conviction for failure to verify his address under R.C. 2950.06(F). Scott’s underlying sex offenses predated the effective date of Ohio’s Adam Walsh Act, making his AWA classification void, and he had not been properly reclassified or advised of Megan’s Law reporting requirements before the alleged violation. The court held that the void AWA classification could not serve as the basis for his conviction.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Anita Laster Mays, Administrative Judge; Emanuella D. Groves, Judge; Eileen T. Gallagher, Judge
JURISDICTION	Ohio
DECIDED	February 9, 2023
DOCKET	No. 111461
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Delayed criminal appeal from Scott's no-contest plea and conviction for failure to verify an address under R.C. 2950.06(F).
STANDARD OF REVIEW	The court reviewed the legal validity of Scott's conviction and the application of statutory registration requirements de novo; the opinion does not expressly label a standard of review.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion; precedential within the applicable Ohio appellate framework.
PARTIES	Joseph T. Scott v. State of Ohio

TOPICS

- criminal procedure
- appellate procedure
- constitutional law
- statutory interpretation
- preservation of error

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Scott could be convicted for failing to verify his address under R.C. 2950.06(F) when his underlying offenses predated the Adam Walsh Act, his Adam Walsh Act classification was unconstitutional, and the trial court failed to conduct the classification hearing mandated by the Ohio Supreme Court.
2. Whether Megan's Law registration and reporting obligations arose automatically despite the absence of a Megan's Law classification hearing and notice.

HOLDINGS

1. Scott's conviction for failure to verify his address under R.C. 2950.06(F) was erroneous and had to be vacated because it arose while he remained classified and registered under an unconstitutional Adam Walsh Act classification that the trial court had not replaced as directed by the Ohio Supreme Court.
2. A lower court must implement both the letter and spirit of an appellate court's mandate and may not disregard an explicit directive to conduct a classification hearing.

KEY QUOTATIONS

"We reverse and vacate the trial court's judgment." (2023-Ohio-370, ¶ 1)

"The court did not announce that misclassified offenders were automatically reclassified. Instead, the court directed the trial court in Scott V to hold a classification hearing under Megan's Law." (2023-Ohio-370, ¶ 12)

"Under the 'mandate rule,' a lower court must 'carry the mandate of the upper court into execution.'" (2023-Ohio-370, ¶ 20)

"This case presents a unique scenario. Based on the record before this court and the specific and distinctive circumstances of this case, this court finds that the Scott's conviction for failure to register under R.C. 2950.06(F) was in error." (2023-Ohio-370, ¶ 22)

FACTUAL BACKGROUND

Scott committed gross sexual imposition and attempted rape in September 2007, before the Adam Walsh Act took effect, and was convicted and classified under that Act in 2008. The Ohio Supreme Court later held that the classification could not constitutionally apply and ordered a classification hearing under Megan's Law, but Scott remained recorded and registered as an Adam Walsh Act offender until he was finally reclassified in September 2022. During the intervening period, he was charged with failing to verify his address under R.C. 2950.06(F), although the state admitted he had never been instructed regarding Megan's Law requirements.

PROCEDURAL HISTORY

Scott was originally convicted in 2008 of gross sexual imposition and attempted rape for offenses committed in 2007 and was classified under the Adam Walsh Act. The Ohio Supreme Court later reversed the classification decision and remanded for a Megan's Law classification hearing, but the trial court did not conduct that hearing

for approximately ten years. Scott was indicted in 2018 for failure to verify his address, unsuccessfully moved to dismiss, entered a no-contest plea in 2022, and was sentenced to community control. The Eighth District accepted the delayed appeal, reversed the judgment, and vacated the conviction.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment and conviction were reversed and vacated. The court directed that a special mandate issue to the Cuyahoga County Court of Common Pleas to carry the appellate judgment into execution; it did not order a new trial.

CASES CITED

- State v. Scott, 8th Dist. Cuyahoga No. 91890, 2010-Ohio-3057
- State v. Scott, 8th Dist. Cuyahoga No. 91890, 2011-Ohio-587
- State v. Scott, 130 Ohio St.3d 260, 2011-Ohio-5343, 957 N.E.2d 292
- State v. Williams, 129 Ohio St.3d 344, 2011-Ohio-3374, 952 N.E.2d 1108
- State v. Dunlap, 129 Ohio St.3d 461, 2011-Ohio-4111, 953 N.E.2d 816
- State v. Scott, 135 Ohio St.3d 134, 2012-Ohio-5910, 984 N.E.2d 1055
- In re Bruce S., 134 Ohio St.3d 477, 2012-Ohio-5696, 983 N.E.2d 350
- Cox v. Ohio Department of Transportation, 67 Ohio St.2d 501, 424 N.E.2d 597 (1981)
- State ex rel. Grant v. Collins, 155 Ohio St.3d 242, 2018-Ohio-4281, 120 N.E.3d 804
- State v. Brunning, 134 Ohio St.3d 438, 2012-Ohio-5752, 983 N.E.2d 316
- State v. Hayden, 96 Ohio St.3d 211, 2002-Ohio-4169, 773 N.E.2d 502
- State v. Bodyke, 126 Ohio St.3d 266, 2010-Ohio-2424, 933 N.E.2d 753
- State v. Gingell, 128 Ohio St.3d 444, 2011-Ohio-1481, 946 N.E.2d 192
- State v. Alsip, 8th Dist. Cuyahoga No. 98921, 2013-Ohio-1452
- State v. Vertock, 8th Dist. Cuyahoga No. 97888, 2012-Ohio-4283
- State v. Eads, 197 Ohio App.3d 493, 2011-Ohio-6307, 968 N.E.2d 18 (2d Dist.)
- State v. Lawson, 1st Dist. Hamilton Nos. C-120077 and C-120067, 2012-Ohio-5281
- State v. Bolton, 8th Dist. Cuyahoga No. 96385, 2012-Ohio-169
- State v. Lilley, 8th Dist. Cuyahoga No. 98905, 2013-Ohio-3616
- State v. Wood, 1st Dist. Hamilton No. C-120598, 2013-Ohio-2724
- State v. Henderson, 161 Ohio St.3d 285, 2020-Ohio-4784, 162 N.E.3d 776
- In re Von, 146 Ohio St.3d 448, 2016-Ohio-3020, 57 N.E.3d 1158
- State v. Deal, 8th Dist. Cuyahoga No. 88669, 2007-Ohio-5943
- State v. Brooke, 113 Ohio St.3d 199, 2007-Ohio-1533, 863 N.E.2d 1024

- Sprague v. Ticonic National Bank, 307 U.S. 161, 168 (1939)
- State v. Larkins, 8th Dist. Cuyahoga No. 85877, 2006-Ohio-90
- Nolan v. Nolan, 11 Ohio St.3d 1, 5, 462 N.E.2d 410 (1984)
- State v. Ferguson, 120 Ohio St.3d 7, 2008-Ohio-4824, 896 N.E.2d 110
- State v. Cook, 83 Ohio St.3d 404, 700 N.E.2d 570 (1998)
- State v. Pratte, 125 Ohio St.3d 473, 2010-Ohio-1860, 929 N.E.2d 415
- Miller v. Hixson, 64 Ohio St. 39, 59 N.E. 749 (1901)
- State v. Schilling, 2022-Ohio-1773, 189 N.E.3d 405 (1st Dist.)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/ohio-court-of-appeals-of-ohio-eighth-appellate-district-cuyahoga-county/2023/state-v-scott-835gioif>