

SUPREME COURT OF OHIO

State v. Williams

129 Ohio St. 3d 344, 2011-Ohio-3374 (2011) · No. 2009-0088 · Decided July 13, 2011

SUMMARY

The Supreme Court of Ohio held that applying 2007 Am.Sub.S.B. No. 10's sex-offender registration requirements to defendants who committed sex offenses before the law's enactment violates Section 28, Article II of the Ohio Constitution, which prohibits retroactive laws. The court concluded that the expanded registration and reporting obligations were punitive and imposed new burdens on past conduct. It reversed the appellate judgment and remanded for resentencing under the law in effect when Williams committed the offense.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Pfeifer, J.; O'Connor, C.J.; Lundberg Stratton, J.; Lanzinger, J.; McGee Brown, J.; O'Donnell, J.; Cupp, J.
JURISDICTION	Ohio
DECIDED	July 13, 2011
DOCKET	2009-0088
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Williams pleaded guilty to unlawful sexual contact with a minor and appealed the imposition of sex-offender registration requirements under 2007 Am.Sub.S.B. No. 10. The Supreme Court of Ohio accepted his discretionary appeal from the court of appeals' judgment affirming the trial court.
STANDARD OF REVIEW	The court applied Ohio's two-part retroactivity analysis: whether the General Assembly expressly made the statute retroactive and, if so, whether the statute is substantive or remedial.
PRECEDENTIAL VALUE	published and binding Supreme Court of Ohio precedent
PARTIES	George Williams v. The State of Ohio

TOPICS

- constitutional law
- ex post facto
- statutory interpretation
- criminal procedure

PRACTICE AREAS

criminal law

constitutional law

sex-offender registration

statutory interpretation

QUESTIONS PRESENTED

1. Whether 2007 Am.Sub.S.B. No. 10, when applied to defendants who committed sex offenses before its enactment, violates Section 28, Article II of the Ohio Constitution, which prohibits retroactive laws.
2. Whether the increased registration and reporting requirements imposed by S.B. 10 are substantive and punitive rather than remedial for purposes of Ohio's retroactivity analysis.
3. Whether S.B. 10 also violates the Ex Post Facto Clause of the United States Constitution.

HOLDINGS

1. 2007 Am.Sub.S.B. No. 10, as applied to defendants who committed sex offenses before its enactment, violates Section 28, Article II of the Ohio Constitution because it imposes new or additional burdens, duties, obligations, or liabilities as to a past transaction.
2. The court did not decide whether S.B. 10 also violates the Ex Post Facto Clause of the United States Constitution because its holding under the Ohio Constitution resolved the case.

KEY QUOTATIONS

“When we consider all the changes enacted by S.B. 10 in aggregate, we conclude that imposing the current registration requirements on a sex offender whose crime was committed prior to the enactment of S.B. 10 is punitive.” (¶ 21)

“We conclude that S.B. 10, as applied to Williams and any other sex offender who committed an offense prior to the enactment of S.B. 10, violates Section 28, Article II of the Ohio Constitution, which prohibits the General Assembly from enacting retroactive laws.” (¶ 23)

FACTUAL BACKGROUND

Williams committed an unlawful sexual contact offense involving a minor before the enactment of S.B. 10 and pleaded guilty in November 2007. During the plea colloquy, the trial court twice stated that his conviction would not subject him to sex-offender reporting requirements. At sentencing after S.B. 10 became effective, Williams was automatically designated a Tier II sex offender and subjected to in-person registration in multiple counties, periodic address verification, and 25 years of registration.

PROCEDURAL HISTORY

Williams was indicted in November 2007 and pleaded guilty. The trial court denied his motion to be sentenced under the sex-offender-registration law in effect when he committed the offense, designated him a Tier II sex offender under S.B. 10, and imposed registration and verification requirements. The Twelfth District Court of Appeals affirmed, holding that S.B. 10 did not violate Ohio's constitutional prohibition against retroactive laws. The Supreme Court of Ohio reversed and remanded for resentencing under the law in effect when Williams committed the offense.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for resentencing under the law in effect at the time Williams committed the offense.

CASES CITED

- State v. Bodyke, 126 Ohio St. 3d 266, 2010-Ohio-2424, 933 N.E.2d 753
- Hyle v. Porter, 117 Ohio St. 3d 165, 2008-Ohio-542, 882 N.E.2d 899
- Van Fossen v. Babcock & Wilcox Co., 36 Ohio St. 3d 100, 522 N.E.2d 489 (1988)
- State v. Consilio, 114 Ohio St. 3d 295, 2007-Ohio-4163, 871 N.E.2d 1167
- Pratte v. Stewart, 125 Ohio St. 3d 473, 2010-Ohio-1860, 929 N.E.2d 415
- Bielat v. Bielat, 87 Ohio St. 3d 350, 721 N.E.2d 28 (2000)
- Miller v. Hixson, 64 Ohio St. 39, 59 N.E. 749 (1901)
- 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)
- Kennedy v. Mendoza-Martinez, 372 U.S. 144, 168-169 (1963)
- State v. Wilson, 113 Ohio St. 3d 382, 2007-Ohio-2202, 865 N.E.2d 1264
- State v. Williams, 88 Ohio St. 3d 513, 728 N.E.2d 342 (2000)
- State v. Hayden, 96 Ohio St. 3d 211, 2002-Ohio-4169, 773 N.E.2d 502
- State v. Clayborn, 125 Ohio St. 3d 450, 2010-Ohio-2123, 928 N.E.2d 1093
- State v. Walls, 96 Ohio St. 3d 437, 2002-Ohio-5059, 775 N.E.2d 829
- Smith v. Doe, 538 U.S. 84 (2003)
- Carr v. United States, 560 U.S. 438 (2010)
- United States v. DiTomaso, 621 F.3d 17 (1st Cir. 2010)
- United States v. Guzman, 591 F.3d 83 (2d Cir. 2010)
- United States v. Shenandoah, 595 F.3d 151 (3d Cir. 2010)
- United States v. Gould, 568 F.3d 459 (4th Cir. 2009)
- United States v. Young, 585 F.3d 199 (5th Cir. 2009)
- United States v. Samuels, 319 Fed. Appx. 389 (6th Cir. 2009)
- United States v. Utesch, 596 F.3d 302 (6th Cir. 2010)
- United States v. May, 535 F.3d 912 (8th Cir. 2008)
- United States v. George, 625 F.3d 1124 (9th Cir. 2010)
- United States v. Hinckley, 550 F.3d 926 (10th Cir. 2008)
- United States v. Ambert, 561 F.3d 1202 (11th Cir. 2009)
- United States v. Leach, 639 F.3d 769 (7th Cir. 2011)

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