

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

STATE OF OHIO,	:	APPEAL NO. C-180639
		TRIAL NO. B-1205912
Plaintiff-Appellee,	:	
		<i>JUDGMENT ENTRY.</i>
vs.	:	
TOBY ARSZMAN,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

In one assignment of error, defendant-appellant Toby Arszman challenges the trial court’s October 29, 2018 judgment, entered nunc pro tunc to February 22, 2013, which classified him as a Tier I sex offender under R.C. Chapter 2950, Ohio’s version of the Adam Walsh Act (“AWA”). Arszman argues that the trial court erred in classifying him as a Tier I sex offender and imposing Tier I sex-offender registration requirements on him after he had served his prison sentence for the sex offense and had been released.

Arszman’s assignment of error is sustained for the reasons set forth in our opinion in *State v. Rucker*, 1st Dist. Hamilton No. C-180606, 2019-Ohio-4490, in which we held that the trial court had no authority to classify Rucker as a Tier II sex

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offender after he had served the prison portion of his sentence for his sex offense, and therefore, Rucker had no duty to register under the AWA.

The trial court had no authority to classify Arszman as a Tier I sex offender after he had served the prison sentence for his sex offense. The trial court's October 29, 2018 entry classifying Arszman as a Tier I sex offender is hereby vacated. Therefore, there is no order in place classifying Arszman as a sex offender, and he has no duty to register under the AWA.

Further, 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.

**ZAYAS, P.J., BERGERON and WINKLER, JJ.**

To the clerk:

Enter upon the journal of the court on December 11, 2019

per order of the court \_\_\_\_\_.

Presiding Judge