

IN THE COURT OF APPEALS OF OHIO  
FOURTH APPELLATE DISTRICT  
ROSS COUNTY

STATE OF OHIO *ex rel.* :  
DARREN W. MOSLEY, :  
 : CASE NO. 00CA2542  
Relator, :  
 :  
v. :  
 :  
RONALD NICHOLS : DECISION AND JUDGMENT  
SHERIFF OF ROSS COUNTY, et al., : ENTRY  
Respondents. : **RELEASED 1/16/01**

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APPEARANCES:

COUNSEL FOR RELATOR: James T. Boulger, P.O. Box 204  
Chillicothe, Ohio 45601

COUNSEL FOR RESPONDENT: M. Scott Criss, Assistant Attorney  
Ohio Adult Parole Authority General, Corrections Litigation  
and Monica Brumfield Section, 140 East Town Street,  
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43215-6001

COUNSEL FOR RESPONDENT: Stephen E. Drotleff, Assistant  
Ronald Nichols, Sheriff Prosecuting Attorney, Ross  
County, Ohio, 72 North Paint  
Street, Chillicothe, Ohio 45601

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*PER CURIAM.*

On January 3, 2001, the Supreme Court of Ohio issued  
its judgment in State ex rel. Mosley v. Nichols, Sheriff (2001),

90 Ohio St.3d 517, reversing this Court's judgment and remanding the case to this Court for action consistent with its decision

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in Woods v. Telb (2000), 89 Ohio St.3d 504, 733 N.E.2d 1103, paragraph one of the syllabus.

On July 24, 2000, this Court issued a "Decision and Judgment Entry" in the case *sub judice* finding the post-release control statute, R.C. 2967.28, to be unconstitutional. On August 3, 2000, the Supreme Court of Ohio issued its decision in Woods v. Telb, *supra*, finding that R.C. 2967.28 is constitutional. Based on the Supreme Court of Ohio's decision that R.C. 2967.28 is constitutional, we likewise find the statute to be constitutional and reverse our July 24<sup>th</sup> judgment. Accordingly, relator's petition for habeas corpus is denied.

**PETITION DENIED.**

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JUDGMENT ENTRY

Relator's petition for a writ of habeas corpus is denied. The costs of this action are charged to relator.

This Decision and Judgment Entry constitutes a FINAL APPEALABLE ORDER pursuant to R.C. 2505.02. The date for filing an appeal commences with the filing of this judgment.

Abele, P.J., and  
Harsha, J.:  
Concur.

For the Court

By: \_\_\_\_\_  
Roger L. Kline  
Administrative Judge

The Clerk of Courts is directed to mail a copy of this Decision and Judgment Entry to all counsel and to relator personally by regular U.S. mail.