

[Cite as *State v. Caskey*, 2010-Ohio-629.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

State of Ohio,	:	
	:	
Plaintiff-Appellee,	:	
	:	No. 09AP-766
v.	:	(C.P.C. No. 08CR-08-6170)
	:	
Zachary T. Caskey,	:	(REGULAR CALENDAR)
	:	
Defendant-Appellant.	:	

D E C I S I O N

Rendered on February 23, 2010

Ron O'Brien, Prosecuting Attorney, and *Steven L. Taylor*, for appellee.

Yeura R. Venters, Public Defender, and *Paul Skendelas*, for appellant.

APPEAL from the Franklin County Court of Common Pleas.

FRENCH, J.

{¶1} Defendant-appellant, Zachary T. Caskey ("appellant"), appeals his Tier II sex offender classification from the Franklin County Court of Common Pleas. For the following reasons, we dismiss the appeal.

{¶2} After appellant pleaded guilty to one count of unlawful sexual conduct with a minor, he raised constitutional challenges against the application of S.B. 10, the sex offender classification law implemented in response to the federal Adam Walsh Act.

The trial court declined to entertain these challenges, however, concluding that S.B. 10 "removes from the trial court the ability to make any determination with respect to the application of that law." (Tr. 112.) Consequently, the court classified appellant a Tier II sex offender pursuant to S.B. 10.

{¶3} Appellant appeals, raising a single assignment of error:

The trial court erred in finding that it lacked jurisdiction to address a constitutional challenge to sex offender registration obligations and residential restrictions at the sentencing hearing on a charge of unlawful sexual conduct with a minor.

{¶4} Appellant argues that the trial court erred by classifying him a Tier II sex offender after declining to entertain his constitutional challenges against S.B. 10. This court has held that a defendant does not have standing to challenge on direct appeal a sex offender classification made under S.B. 10, however. See *State v. Conkel*, 10th Dist. No. 08AP-845, 2009-Ohio-2852, ¶8, and *State v. Christian*, 10th Dist. No. 08AP-170, 2008-Ohio-6304, ¶7-10. The defendant lacks standing because he "is not aggrieved by [a] trial court's final order." *Conkel* at ¶8, citing *Christian* at ¶8. Instead, the sex offender classification arises by operation of law and not through judicial determination. *Conkel* at ¶8. Thus, pursuant to *Christian* and *Conkel*, appellant lacks standing to bring this direct appeal seeking reversal of his sex offender classification. Accordingly, we do not decide the issue of whether the trial court erred by concluding that it also lacked authority to consider appellant's arguments against the classification, and we dismiss this appeal.

Appeal dismissed.

KLATT and CONNOR, JJ., concur.
