

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

STATE OF OHIO,	:	APPEAL NO. C-150085
	:	TRIAL NO. B-1203942
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
TROY JONES,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

In 2013, defendant-appellant Troy Jones pled guilty to two counts of rape, involving intercourse with his nine-year-old stepdaughter and his six-year-old niece. The trial court sentenced him to concurrent ten-year prison terms and classified him as a Tier III sex offender.

In 2014, the trial court ordered Jones to be returned for a sex-offender-classification hearing pursuant to former R.C. Chapter 2950, known as “Megan’s Law,” because he had committed his sexually oriented offenses before January 1, 2008. *See State v. Williams*, 129 Ohio St.3d 344, 2011-Ohio-3374, 952 N.E.2d 1108, ¶ 22. Following the hearing, the court classified Jones as a sexual predator.

In his first assignment of error, Jones argues that his sexual-predator classification was against the weight of the evidence. This argument is not well taken.

The trial court conducted the reclassification hearing in accordance with the procedure set forth in *State v. Eppinger*, 91 Ohio St.3d 158, 743 N.E.2d 881 (2001). The state presented evidence that Jones had forcibly held the six-year-old's wrists to restrain her during the rape, and that Jones had given marijuana and alcohol to at least one of the children during the offenses. The state noted that, although Jones had apologized for his acts toward one of the victims in a recorded conversation, he continued to deny any wrongdoing.

In classifying Jones as a sexual predator, the trial court considered the statutory factors listed in former R.C. 2950.09. The court specifically noted Jones's personality disorder, his concealment with respect to court-ordered psychological testing, his violation of a position of trust by abusing two family members who were of tender age, and his lack of genuine remorse for the conduct.

Following our review of the record, we conclude that the trial court had ample evidence before it to believe that Jones was likely to engage in one or more sexually oriented offenses in the future and was therefore a sexual predator. Former R.C. 2950.01(E); see *Eppinger* at 163-164. Thus, we hold that the trial court did not lose its way and create such a manifest miscarriage of justice that we must reverse its decision and order a new classification hearing. See *State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997); *State v. Williams*, 1st Dist. Hamilton No. C-140199, 2015-Ohio-3968, ¶ 48. We overrule Jones's first assignment of error.

In his second assignment of error, Jones argues that he was denied the effective assistance of counsel at the classification hearing. He contends that he had not had an adequate opportunity to review the psychologist's report before the classification hearing. However, this argument is based on evidence outside the record. Because Jones has failed to demonstrate that counsel's performance was deficient, we overrule

OHIO FIRST DISTRICT COURT OF APPEALS

the second assignment of error. *See Strickland v. Washington*, 466 U.S. 668, 687, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); *State v. Bradley*, 42 Ohio St.3d 136, 142, 538 N.E.2d 373 (1989). Consequently, we affirm the trial court's judgment.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27.

HENDON, P.J., MOCK and STAUTBERG, JJ.

To the clerk:

Enter upon the journal of the court on October 21, 2015
per order of the court _____.
Presiding Judge