

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

STATE OF OHIO,	:	APPEAL NO. C-200233
Plaintiff-Appellee,	:	TRIAL NO. B-1903859
vs.	:	<i>JUDGMENT ENTRY.</i>
DEVIN JOHNSON,	:	
Defendant-Appellant.	:	

The court sua sponte removes this case from the regular calendar and places it on the court's accelerated calendar, 1st Dist. Loc.R. 11.1.1(A), and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E).

Devin Johnson appeals his indefinite sentence for the offense of felonious assault on a peace officer. In one assignment of error, he argues the trial court erred in sentencing him as a matter of law because the indefinite sentencing provisions of the Reagan Tokes Law are unconstitutional.

Johnson entered a guilty plea to one count of felonious assault on a peace officer, in violation of R.C. 2903.11(A)(2), a first-degree-felony offense. The offense occurred on or about July 4, 2019, subjecting Johnson to the indefinite sentencing provisions of the Reagan Tokes Law, effective March 22, 2019. At sentencing, Johnson raised a constitutional challenge to the Reagan Tokes Law and requested to be sentenced under the former, definite sentencing scheme. The trial court rejected Johnson's constitutional

challenge and imposed an indefinite sentence of a minimum term of four years in prison and a maximum term of six years in prison.

On appeal, Johnson presents several arguments as to why the Reagan Tokes Law on its face violates the United States and Ohio Constitutions. Specifically, he contends that the Reagan Tokes Law violates the separation-of-powers doctrine, substantive- and procedural-due-process provisions, and equal-protection guarantees. Johnson's challenge is ripe for review in his direct appeal of his indefinite sentence. *See State v. Maddox*, Slip Opinion No. 2022-Ohio-764, ¶ 11 and 21.

This court addressed a similar challenge to the Reagan Tokes Law in *State v. Guyton*, 1st Dist. Hamilton No. C-190657, 2022-Ohio-2962. In *Guyton*, we determined that the Reagan Tokes Law was constitutional on its face, rejecting a claim that the indefinite sentencing scheme violates the separation-of-powers doctrine, substantive- and procedural-due-process provisions, and the Equal Protection Clauses of the federal and state constitutions. Based on our holding in *Guyton*, we overrule the assignment of error and affirm the trial court's judgment.

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.

MYERS, P.J., WINKLER and BOCK, JJ.

To the clerk:

Enter upon the journal of the court on September 30, 2022,
per order of the court_____.

Administrative Judge