

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

STATE OF OHIO,	:	APPEAL NO. C-220121
Plaintiff-Appellee,	:	TRIAL NO. B-2003417
vs.	:	<i>JUDGMENT ENTRY.</i>
APRIL LEE,	:	
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.

Defendant-appellant April Lee was charged in 2020 with felonious assault and improperly discharging a firearm at or into a habitation. Lee entered a guilty plea to the charge of felonious assault. Lee was first informed of the indefinite sentencing scheme under the Reagan Tokes Law at her sentencing hearing. The court sentenced Lee to seven to ten-and-one-half years' incarceration. This court vacated her conviction and remanded the cause on the basis that her plea, made without being first warned about the Reagan Tokes Law's indefinite sentencing requirements, was not made knowingly, intelligently, and voluntarily. *State v. Lee*, 1st Dist. Hamilton No. C-210001, 2021-Ohio-3918.

On remand, Lee entered a guilty plea to the felonious-assault count. She was resentenced to an indefinite sentence of two to three years' incarceration. Lee now appeals that sentence on the basis that Reagan Tokes Law violates the separation-of-powers doctrine and on procedural-due-process grounds. We have previously considered and

OHIO FIRST DISTRICT COURT OF APPEALS

rejected these arguments. *See State v. Guyton*, 1st Dist. Hamilton No. C-190657, 2022-Ohio-2962.

Noting that Lee's presumptive release date was July 20, 2022, we issued an order on November 16, 2022, that the parties show cause as to why this appeal should not be dismissed as moot. The state responded with a motion to dismiss this appeal, informing us that Lee was released on her presumptive release date. Because the only issue before us in this appeal is Lee's indefinite sentence, which she has since completed, we find that the state's motion is well taken and dismiss this appeal as moot.

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., CROUSE and WINKLER, JJ.

To the clerk:

Enter upon the journal of the court on December 9, 2022,
per order of the court _____.

Administrative Judge