

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

STATE OF OHIO,	:	APPEAL NO. C-220273
	:	TRIAL NO. B-2004158
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
KEONTA HARDY,	:	
	:	
Defendant-Appellant.	:	

This 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(C)(1), 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.

Defendant-appellant Keonta Hardy was originally indicted on one count of aggravated murder, two counts of murder, two counts of felonious assault, all of which had accompanying firearm specifications, and one count of having weapons while under a disability. Immediately before trial, the parties came to a plea agreement. Under the terms of that agreement, Hardy pleaded guilty to a reduced charge of involuntary manslaughter under R.C. 2903.04(A), with one accompanying firearm specification, and having weapons under a disability under R.C. 2923.13(A)(3). The remaining counts were dismissed.

Under the terms of the agreed sentence, the trial court imposed a sentence of seven years for involuntary-manslaughter and the mandatory three years on the firearm specification, to be served consecutively. It also imposed a three-year

sentence for having weapons under a disability, to be served concurrently with the sentence for the involuntary manslaughter count. Under the Reagan Tokes Act, the court imposed an aggregate indeterminate sentence of ten to 13 and one-half years. This appeal followed.

In his sole assignment of error, Hardy contends that the legislature's failure to include basic due-process protections in the Reagan Tokes Act renders it unconstitutional. He argues that this court should reverse the indefinite sentence and remand the cause for resentencing. This assignment is not well taken.

Because Hardy challenged the constitutionality of the Reagan Tokes Act in the trial court, we review his claim do novo. *See State v. Hendrix*, 1st Dist. Hamilton No. C-210679, 2023-Ohio-17, ¶ 29. In *State v. Guyton*, 1st Dist. Hamilton No. C-190657, 2022-Ohio-2962, *appeal allowed*, 168 Ohio St.3d 1418, 2022-Ohio-3752, 196 N.E.3d 850, we held that the Reagan Tokes Act is constitutional on its face. We rejected claims that it infringed on an offender's due-process rights. *Id.* at ¶ 69. We have followed Guyton in numerous cases. *See, e.g., State v. McCoy*, 1st Dist. Hamilton Nos. C-220279 and C-220281, 2023-Ohio-361; *Hendrix*; *State v. Dixon*, 1st Dist. Hamilton No. C-210502, 2022-Ohio-3654. Consequently, we overrule Hardy's assignment of error and 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. Costs shall be taxed under App.R. 24.

BERGERON, P.J., WINKLER and KINSLEY, JJ.

To the clerk:

Enter upon the journal of the court on May 5, 2023

per order of the court _____.
Administrative Judge