

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

STATE OF OHIO,	:	APPEAL NO. C-230068
	:	TRIAL NO. B-2106196
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY</i>
DE'ERIC HALE,	:	
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(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 De'Eric Hale entered into an agreed-upon guilty plea where Hale plead guilty to a reduced charge of involuntary manslaughter under R.C. 2903.03(A), with a three-year firearm specification, an attempted improper discharge of a firearm under R.C. 2923.161(A), and having weapons under a disability under R.C. 2923.13(A)(2). In exchange for the pleas, the state dismissed the other charges against Hale and the state and Hale agreed to a recommended indefinite aggregate prison sentence of 13 to 15 years under R.C. 2901.011 ("the Reagan Tokes Law"), which the trial court imposed. This appeal followed.

In his sole assignment of error, Hale contends that the indefinite sentencing scheme created by the Reagan Tokes Law violates the doctrine of separation of powers and denies him the procedural protections necessary to ensure the due process of law. Hale does not specify whether his procedural-due-process claim arise from the federal constitution, the Ohio constitution, or both. Hale argues that this court should vacate the indefinite sentence and order his prison term set at 13 years. This assignment is not well-taken.

Because Hale challenged the constitutionality of the Reagan Tokes Law in the trial court, we review his claim do novo. *See State v. Hendrix*, 1st Dist. Hamilton No. C-210679, 2023-Ohio-17, ¶ 29. Recently, the Ohio Supreme Court addressed the constitutionality of the Reagan Tokes Law. *State v. Hacker*, Slip Opinion No. 2023-Ohio-2535. In that case, the Ohio Supreme Court upheld the Reagan Tokes Law, holding it did not violate the separation-of-powers doctrine. *Id.* at ¶ 13-25. The Ohio Supreme Court also held that the Reagan Tokes Law did not violate federal due-process protections under the Fourteenth Amendment to the United States Constitution. *Id.* at ¶ 29-40. To the extent that Hale argues that the Reagan Tokes Law violates the due-process protections independently afforded by the Ohio Constitution’s Due Course of Law Clause, this court has previously held that the Reagan Tokes Law comports with Ohio’s due-process requirements. *State v. Guyton*, 1st Dist. Hamilton No. C-190657, 2022-Ohio-2962, ¶ 38-57. This court has followed its holding in *Guyton* in numerous cases. *See, e.g., State v. McDonald*, 1st Dist. Hamilton No. C-220328, 2023-Ohio-1987, ¶ 29; *State v. McCoy*, 1st Dist. Hamilton Nos. C-220279 and C-220281, 2023-Ohio-361 ¶ 13-14; *Hendrix*. Accordingly, we overrule Hale’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.

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

To the clerk:

Enter upon the journal of the court on August 30, 2023
per order of the court _____.
Administrative Judge