

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

STATE OF OHIO,	:	APPEAL NO. C-230143
	:	TRIAL NO. B-2000255
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
ARIK SPRINGS,	:	
Defendant-Appellant.	:	

The court sua sponte places this case on the 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.

Defendant-appellant Arik Springs entered guilty pleas as to one count of trafficking in a fentanyl-related compound and one count of trafficking heroin. Four other counts against him were dismissed.

At sentencing, the trial court notified Springs that because he had pled guilty to felonies of the first degree, his minimum sentence was subject to the Reagan Tokes Law (“RTL”). The trial court further notified Springs that under the RTL, “for every year I give you in prison the State or Adult Parole Authority can give you an additional six months. So, for instance, if I give you three years, which is the minimum time, that means the Adult Parole Authority or the institution where you are, they can give you an additional year-and-a-half.” Springs stated that he understood.

Springs was sentenced to an indefinite term of three to four-and-a-half years of incarceration. He now appeals.

Notice

In his first assignment of error, Springs challenges the trial court's failure to give proper notice under the RTL. Specifically, Springs contends that although the trial court advised him that his sentences could be extended beyond the minimum terms, it failed to provide the other notifications under R.C. 2929.19(B)(2)(c). As we noted in *State v. Jackson*, "When sentencing an offender to a nonlife felony indefinite prison term under the Reagan Tokes Law, a trial court must advise the offender of the five notifications set forth in R.C. 2929.19(B)(2)(c)(i)-(v) at the sentencing hearing to fulfill the requirements of the statute." *State v. Jackson*, 1st Dist. Hamilton No. 200332, 2022-Ohio-3449, ¶ 20. The state concedes that the trial court did not strictly comply with the required RTL notifications. Accordingly, we sustain Springs's first assignment of error and remand this cause for the limited purpose of providing the sentencing notifications required under R.C. 2929.19(B)(2)(c).

Constitutional Challenge

In his remaining three assignments of error, Springs challenges the constitutionality of the RTL. Springs contends that the RTL violates his right to a jury, due-process rights, and the separation-of-powers doctrine. For each assignment, he raises arguments under both the federal and state constitutions.

Ohio courts have repeatedly dismissed constitutional challenges to the RTL. "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." *Id.* at ¶ 19, citing *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. Further, in *State v. Hacker*, the Ohio Supreme Court recently upheld the RTL against a federal due-process challenge. *State v. Hacker*, Slip Opinion No. 2023-Ohio-2535, ¶ 40. And in *State v. Searight*, we held that the RTL did not violate a defendant’s federal or state constitutional right to a trial by a jury. *State v. Searight*, 1st Dist. Hamilton No. C-230060, 2023-Ohio-3584, ¶ 13. On the authority of *Hacker*, *Guyton*, and *Searight*, we overrule Springs’s remaining assignments of error.

This cause is remanded for the limited purpose of providing the sentencing notifications required under R.C. 2929.19(B)(2)(c). The trial court’s judgment is affirmed in all other respects.

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., BERGERON and KINSLEY, JJ.

To the clerk:

Enter upon the journal of the court on October 25, 2023
per order of the court _____.
Presiding Judge