

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO, :
 :
 Plaintiff-Appellee, :
 : No. 111563
 v. :
 :
 DEMARI J. RODGERS, :
 :
 Defendant-Appellant. :

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: December 15, 2022

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-20-652713-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Caroline Nelson, Assistant Prosecuting Attorney, *for appellee*.

Tim Young, Ohio Public Defender, and Victoria Ferry, Assistant State Public Defender, *for appellant*.

LISA B. FORBES, J.:

{¶ 1} Appellant Demari J. Rodgers (“Rodgers”) appeals the trial court’s journal entry sentencing him to an indefinite prison term pursuant to the Reagan Tokes Law. After reviewing the facts of the case and pertinent law, we affirm.

I. Facts and Procedural History

{¶ 2} Rodgers pleaded guilty to aggravated robbery, a first-degree felony in violation of R.C. 2911.01(A)(1) with a forfeiture specification; attempted failure to comply with order or signal of police officer, a fourth-degree felony in violation of R.C. 2923.02 and 2921.331(B); grand theft of a motor vehicle, a fourth-degree felony in violation of R.C. 2913.02(A)(1); and improperly handling firearms in a motor vehicle, a fourth-degree felony in violation of R.C. 2923.16(B). Each count included a forfeiture specification.

{¶ 3} On April 29, 2021, the trial court sentenced Rodgers to an aggregate prison term of 36 months to 4.5 years. It is from this order that Rodgers appeals.

II. Law and Analysis

{¶ 4} In his sole assignment of error, Rodgers argues that the trial court erred when it sentenced him “to an indefinite sentence under the unconstitutional the Reagan Tokes Law.”

{¶ 5} Rodgers’s assignment of error is overruled pursuant to this court’s en banc decision in *State v. Delvallie*, 2022-Ohio-470, 185 N.E.3d 536 (8th Dist.).

{¶ 6} Judgment affirmed.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution. The defendant’s

conviction having been affirmed, any bail pending appeal is terminated. Case remanded to the trial court for execution of sentence.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

LISA B. FORBES, JUDGE

KATHLEEN ANN KEOUGH, P.J., and
MARY J. BOYLE, J., CONCUR