

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO, :
 :
 Plaintiff- Appellee, :
 : No. 112320
 v. :
 :
 JOHN BRADLEY, JR., :
 :
 Defendant-Appellant. :

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED

RELEASED AND JOURNALIZED: October 5, 2023

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-21-657961-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Tasha L. Forchione, Assistant Prosecuting Attorney, *for appellee*.

Cullen Sweeney, Cuyahoga County Public Defender, and John T. Martin, Assistant Public Defender, *for appellant*.

MICHELLE J. SHEEHAN, J.:

{¶ 1} Defendant-appellant John Bradley Jr. pled guilty in four separate cases on August 13, 2021. This appeal only concerns Cuyahoga CP.

No.-CR-21-657961. In Count 1 of that case, Bradley was convicted of felonious assault, a felony of the second degree, which is a qualifying felony subject to an indefinite sentence under the Reagan Tokes Law, and Bradley received seven to ten-and-a-half years for the offense. In his direct appeal, he challenged the constitutionality of the Reagan Tokes Law, raising claims based on the right to a jury trial, separation of powers, and due process. This court rejected his claims and affirmed the trial court's judgment. *State v. Bradley*, 8th Dist. Cuyahoga No. 110882, 2022-Ohio-1075.

{¶ 2} Bradley subsequently filed a motion, pro se, for a reopening of the case, claiming his appellate counsel was ineffective for failing to argue that the trial court provided the proper advisement under R.C. 2929.19(B)(2)(c) at sentencing as required by the Reagan Tokes Law. This court granted the motion for reopening, vacated Bradley's sentence, and remanded the case to the trial court for the limited purpose of resentencing to provide the requisite advisement. *State v. Bradley*, 8th Dist. Cuyahoga No. 110882, 2022-Ohio-2954. Upon remand, the trial court held a limited resentencing hearing. It provided the advisement required by R.C. 2919.19(B)(2)(c) and reimposed the same sentence.

{¶ 3} Bradley now appeals from that judgment and raises a single assignment of error. He again argues that the Reagan Tokes Law is unconstitutional on its face and brings similar claims he had raised on direct appeal.

{¶ 4} A day before he filed the instant notice of appeal, the Supreme Court of Ohio decided *State v. Hacker*, Slip Opinion No. 2023-Ohio-2535, rejecting similar

claims regarding the constitutionality of the Reagan Tokes Law. Pursuant to *Hacker*, we overrule Bradley's sole assignment of error and affirm the judgment of the trial court.

{¶ 5} Judgment affirmed.

It is ordered that appellee recover of 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.

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

MICHELLE J. SHEEHAN, JUDGE

EILEEN A. GALLAGHER, P.J., and
MICHAEL JOHN RYAN, J., CONCUR