

COURT OF APPEALS  
STARK COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

STATE OF OHIO

Plaintiff-Appellee

-vs-

STEPHEN ACY

Defendant-Appellant

JUDGES:

Hon. Earle E. Wise, Jr., P.J.

Hon. William B. Hoffman, J.

Hon. Craig R. Baldwin, J.

Case No. 2022CA00021

O P I N I O N

CHARACTER OF PROCEEDINGS:

Appeal from the Stark County Court of  
Common Pleas, Case No. 2021-CR-0898

JUDGMENT:

Affirmed

DATE OF JUDGMENT ENTRY:

September 20, 2022

APPEARANCES:

For Plaintiff-Appellee

For Defendant-Appellant

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*Hoffman, J.*

{¶1} Defendant-appellant Stephen Acy appeals the judgment entered by the Stark County Common Pleas Court convicting him following his plea of guilty to felonious assault (R.C. 2903.11(A)(1)) and sentencing him to an indefinite term of incarceration of two to three years. Plaintiff-appellee is the state of Ohio.

#### STATEMENT OF THE FACTS AND CASE

{¶2} On April 6, 2021, Appellant was a resident at the Indian River Juvenile Correctional Facility for a misdemeanor offense of obstructing official business. Appellant struck A.G., breaking A.G.'s jaw, which required surgery. Appellant was indicted by the Stark County Grand Jury on one count of felonious assault.

{¶3} Appellant entered a plea of guilty to the charged offense on January 26, 2022. Over Appellant's objection, the trial court sentenced Appellant pursuant to the Reagan Tokes Act to an indefinite term of incarceration of two to three years.

{¶4} It is from the February 2, 2022 judgment of the trial court Appellant prosecutes this appeal, assigning as error:

THE MODIFICATIONS TO SENTENCING FOR FIRST- AND SECOND-DEGREE FELONIES MADE BY THE REAGAN TOKES ACT VIOLATE THE APPELLANT'S RIGHT TO JURY TRIAL, AS PROTECTED BY THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION, AND THE SEPARATION OF POWERS DOCTRINE EMBEDDED IN THE OHIO CONSTITUTION.

{¶5} Appellant argues the Reagan Tokes Act is unconstitutional, as it violates separation of powers and his right to trial by jury.

{¶6} For the reasons stated in this Court's opinion in *State v. Householder*, 5th Dist. Muskingum No. CT2021-0026, 2022-Ohio-1542, we find the Reagan Tokes act is constitutional. The assignment of error is overruled.

{¶7} The judgment of the Stark County Common Pleas Court is affirmed.

By: Hoffman, J.

Wise, Earle, P.J. and

Baldwin, J. concur

