

COURT OF APPEALS OF OHIO, TWELFTH APPELLATE DISTRICT,
CLINTON COUNTY

State v. Runyon

2026-Ohio-776 · No. CA2025-03-008 · Decided March 9, 2026

SUMMARY

The Twelfth District Court of Appeals of Ohio held that the trial court erred by failing to provide Justyn W. Runyon with the mandatory Reagan Tokes notifications required by R.C. 2929.19(B)(2)(c) when imposing an indefinite prison sentence. Although the sentence was jointly recommended, the majority concluded that the omission rendered the sentence reviewable and remanded solely for the required notifications, without disturbing the conviction or other aspects of the sentence. The dissent would have found the appeal barred under R.C. 2953.08(D)(1) or the error harmless.

CASE DETAILS

COURT	Court of Appeals of Ohio, Twelfth Appellate District, Clinton County
WRITING FOR THE COURT	Melena S. Siebert, J.; Mike Powell, J.; Piper, P.J.
JURISDICTION	Ohio Court of Appeals, Twelfth Appellate District, Clinton County
DECIDED	March 9, 2026
DOCKET	CA2025-03-008
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed the sentence imposed after pleading guilty to burglary. The State agreed that the trial court failed to provide the statutory Reagan Tokes notifications, and the appellate court reviewed whether that omission rendered the jointly recommended sentence reviewable and required resentencing.
STANDARD OF REVIEW	Under R.C. 2953.08(G)(2), a felony sentence may be modified or vacated only if the appellate court clearly and convincingly finds that the record does not support the trial court's findings under the relevant sentencing statutes or that the sentence is otherwise contrary to law. For jointly recommended sentences, R.C. 2953.08(D)(1) limits review unless the sentence is not authorized by law.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion; precedential within the applicable Ohio appellate framework.

TOPICS

sentencing

appellate procedure

statutory interpretation

criminal procedure

standard of review

PRACTICE AREAS

criminal law

criminal procedure

appellate sentencing review

indefinite sentencing

QUESTIONS PRESENTED

1. Whether an appellate court has jurisdiction under R.C. 2953.08(D)(1) to review a jointly recommended indefinite sentence when the trial court failed to provide the mandatory Reagan Tokes notifications.
2. Whether the failure to provide the notifications required by R.C. 2929.19(B)(2)(c)(i)-(v) requires reversal and a limited remand for resentencing.
3. Whether the defendant must demonstrate prejudice from the trial court's complete failure to provide the statutory notifications.

HOLDINGS

1. A jointly recommended sentence is not authorized by law, and therefore remains reviewable under R.C. 2953.08(D)(1), when the trial court fails to comply with a mandatory sentencing provision.
2. When imposing a non-life felony indefinite prison term after determining that a prison term is necessary or required, the trial court must provide each of the five notifications specified in R.C. 2929.19(B)(2)(c)(i)-(v) during the sentencing hearing.
3. When the trial court completely fails to provide the mandatory Reagan Tokes notifications, the defendant need not demonstrate prejudice before obtaining a limited remand for resentencing.

KEY QUOTATIONS

“Thus, in the context of a jointly recommended sentence, an appellate court's jurisdiction to review the sentence imposed turns on whether the sentencing provision at issue is mandatory or nonmandatory.” (¶ 12)

“Accordingly, when sentencing an offender to a non-life felony indefinite prison term, the trial court must advise the offender of each of the five Reagan Tokes Notifications at the sentencing hearing.” (¶ 16)

“Runyon is not entitled to a de novo sentencing hearing; rather, the trial court is directed only to provide the mandatory notifications required by R.C. 2929.19(B)(2)(c).” (¶ 19)

FACTUAL BACKGROUND

Runyon was indicted for burglary, theft, and a repeat violent offender specification based on a prior burglary conviction. Under a plea agreement, he pleaded guilty to one count of burglary, and the State dismissed the theft count and specification. The parties jointly recommended an indefinite prison sentence of four to six years. At the combined plea and sentencing hearing, the trial court imposed that sentence but failed to advise Runyon of

the five Reagan Tokes notifications concerning presumptive release, Department of Rehabilitation and Correction procedures, possible extensions, and release at the maximum term.

PROCEDURAL HISTORY

Runyon was indicted for burglary, theft, and a repeat violent offender specification. Pursuant to plea negotiations, he pleaded guilty to burglary, while the State dismissed the theft count and specification; the parties jointly recommended an indefinite four-to-six-year prison sentence. The Clinton County Court of Common Pleas accepted the plea and imposed the recommended sentence but did not provide the notifications required by R.C. 2929.19(B)(2)(c). The appellate court reversed and remanded solely for resentencing to provide those notifications, affirming all other aspects of the judgment.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Clinton County Court of Common Pleas for the sole and limited purpose of resentencing Runyon in compliance with R.C. 2929.19(B)(2)(c) by providing the mandatory Reagan Tokes notifications. No de novo sentencing hearing is required. The conviction and all other aspects of the sentence remain valid.

CASES CITED

- State v. Marcum, 2016-Ohio-1002, ¶ 7
- State v. Julious, 2016-Ohio-4822, ¶ 8 (12th Dist.)
- State v. Harp, 2016-Ohio-4921, ¶ 7 (12th Dist.)
- State v. Underwood, 2010-Ohio-1, ¶¶ 16, 20, 27, 31-32
- State ex rel. Duran v. Kelsey, 2005-Ohio-3674, ¶ 6
- State v. Sergeant, 2016-Ohio-2696, ¶¶ 28, 30
- State v. Paul, 2021-Ohio-1628, ¶¶ 21-23
- State v. Pope, 2022-Ohio-426, ¶ 23 (12th Dist.)
- State v. Hodgkin, 2021-Ohio-1353, ¶¶ 24-25 (12th Dist.)
- State v. Brown Suber, 2021-Ohio-2291, ¶¶ 17-18
- State v. Dangler, 2020-Ohio-2765, ¶¶ 15, 17
- State v. Castro, 2022-Ohio-4327, ¶¶ 9, 12 (12th Dist.)
- State v. Noling, 2013-Ohio-1764, ¶ 22
- State v. Gwynne, 2019-Ohio-4761, ¶ 9 n.1
- State v. Porterfield, 2005-Ohio-3095, ¶ 25
- State v. Patrick, 2020-Ohio-6803, ¶ 22
- State v. Rogers, 2015-Ohio-2459, ¶¶ 21-24
- State v. Quarterman, 2014-Ohio-4034, ¶ 15

- State v. Barnes, 2002-Ohio-68, ¶ 20
- State v. Perry, 2004-Ohio-297, ¶¶ 7, 15
- State v. West, 2022-Ohio-1556, ¶ 2
- State v. Mauch, 2025-Ohio-413, ¶ 8 (12th Dist.)
- State v. Reynolds, 2018-Ohio-4942, ¶ 12 (12th Dist.)
- State v. Tornstrom, 2023-Ohio-763, ¶ 52 (11th Dist.)
- State v. Dean, 2015-Ohio-4347, ¶ 235

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