

COURT OF APPEALS OF OHIO, THIRD APPELLATE DISTRICT, ALLEN COUNTY

State v. Brown

2022-Ohio-4065 (Ohio Ct. App. 2022) · No. 1-22-36 · Decided November 14, 2022

SUMMARY

The Ohio Third District Court of Appeals affirmed Jonathan J. Brown’s conviction and indefinite sentence for attempted aggravated arson. The court rejected Brown’s constitutional challenges to the Reagan Tokes Law, including claims based on separation of powers, due process, and the right to a jury trial.

CASE DETAILS

COURT	Court of Appeals of Ohio, Third Appellate District, Allen County
WRITING FOR THE COURT	Miller, J.; Zimmerman, P.J.; Shaw, J.
JURISDICTION	Ohio
DECIDED	November 14, 2022
DOCKET	1-22-36
DISPOSITION	affirmed
PROCEDURAL POSTURE	Brown appealed the judgment of sentence entered after he pleaded guilty to attempted aggravated arson and received an indefinite prison term under the Reagan Tokes Law.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion; precedential within the applicable court and jurisdiction, subject to later precedent.
PARTIES	Jonathan J. Brown v. State of Ohio

TOPICS

- sentencing
- separation of powers
- due process
- sixth amendment
- appellate procedure

PRACTICE AREAS

- Criminal law
- Criminal procedure
- Sentencing
- Constitutional law

QUESTIONS PRESENTED

1. Whether the indefinite sentencing provisions of the Reagan Tokes Law violate the separation-of-powers doctrine.
2. Whether the indefinite sentencing provisions of the Reagan Tokes Law violate due process.
3. Whether the indefinite sentencing provisions of the Reagan Tokes Law violate the constitutional right to a jury trial.

HOLDINGS

1. The indefinite sentencing provisions of the Reagan Tokes Law do not facially violate the separation-of-powers doctrine.
2. The indefinite sentencing provisions of the Reagan Tokes Law do not facially infringe defendants' due-process rights.
3. Brown's jury-trial challenge to the Reagan Tokes Law is without merit.

KEY QUOTATIONS

“Since the indefinite sentencing provisions of the Reagan Tokes Law went into effect in March 2019, we have repeatedly been asked to address the constitutionality of these provisions. We have invariably concluded that the indefinite sentencing provisions of the Reagan Tokes Law do not facially violate the separation-of-powers doctrine or infringe on defendants’ due process rights.” (¶ 7)

FACTUAL BACKGROUND

The Allen County Grand Jury indicted Brown for aggravated arson, a first-degree felony. Pursuant to a negotiated agreement, the charge was amended to attempted aggravated arson, a second-degree felony, and Brown pleaded guilty. The trial court imposed an indefinite two-to-three-year prison sentence under the Reagan Tokes Law after rejecting Brown's constitutional challenge to that law.

PROCEDURAL HISTORY

An Allen County grand jury indicted Brown for aggravated arson. Under a negotiated agreement, the trial court amended the charge to attempted aggravated arson, accepted Brown's guilty plea, and sentenced him to an indefinite term of two to three years. The trial court overruled Brown's constitutional objection to the Reagan Tokes Law, and Brown appealed.

DISPOSITION

affirmed

CASES CITED

- State v. Ball, 3d Dist. Allen No. 1-21-16, 2022-Ohio-1549
- State v. Crawford, 3d Dist. Henry No. 7-20-05, 2021-Ohio-547, ¶ 10-11
- State v. Hacker, 3d Dist. Logan No. 8-20-01, 2020-Ohio-5048, ¶ 22
- State v. Wolfe, 3d Dist. Union No. 14-21-16, 2022-Ohio-96, ¶ 21

