



CRIMINAL SENTENCING COMMISSION

65 SOUTH FRONT STREET • 5TH FLOOR • COLUMBUS, OHIO 43215-3431 • TELEPHONE: 614.387.9305 • FAX: 614.387.9309

TO: Ohio Criminal Sentencing Commission and Advisory Committee

FROM: Scott Shumaker, Criminal Justice Counsel

DATE: 01/13/21

RE: SB 201 Appellate Decisions

As a continuation of our efforts to inform and educate practitioners on the implementation of 132 GA Senate Bill 201 “The Reagan Tokes Law” (SB201), and consistent with our statutory duty to review and evaluate changes to Ohio’s sentencing structure, we are tracking appellate cases related to the provisions of SB201. Those cases are detailed below, and this document will continue to be updated as new decisions are rendered or cases are filed, and hosted on the Commission’s website under “SB201 Resources.”

Our tracking efforts are broken down into three sections. The first, labeled Appellate Decisions, are those cases in which an appellate court has rendered a decision addressing SB201 directly, either through challenges to the constitutionality of the law, or to address any alleged errors in sentencing process. The second section are the pending appellate challenges we have been able to find which have not yet been decided. Due to the lack of a centralized, statewide case management system able to be searched for these types of cases, we are reliant on self-reporting from the twelve appellate districts as to these pending cases. We have reached out to the appellate judge’s association to coordinate efforts on this front, as we’re sure there are more cases than currently listed. Finally, an endnotes section details appellate decisions that make mention of SB201 but do not address its provisions, broken down by district.

APPELLATE DECISIONS

Second District Court of Appealsⁱ

[**State v. Barnes, 2020-Ohio-4150, Decided August 21, 2020.**](#) Among other issues, the defendant challenged the constitutionality of their indefinite sentence under SB201 as unconstitutional violations of due process and separation of powers. The defendant failed to object to the constitutionality of SB201 at the time of sentencing, and as such waived the issue, but the court draws a distinction between the “bad time” statute ruled unconstitutional in *Bray* and the maximum term provisions of SB201.

[**State v. Ferguson, 2020-Ohio-4153, Decided August 21, 2020.**](#) Defendant challenged both the denial of a motion to suppress and the constitutionality of their SB201 indefinite sentence upon conviction as violation of separation of powers and of their constitutional right to due process. The Court upheld the constitutionality of SB201, likening its provisions to those of the post-release control statute and citing *Woods v. Telb*, 89 Ohio St.3d 504 (2000) and its progeny for the proposition that a sanction imposed by the court and later executed upon by the executive does not violate separation of powers. It also held that SB201 imposes sufficient limitations on ODRC’s discretion to impose time beyond the minimum term. The court directly addresses the holding in *State v. Oneal*, the Hamilton County Common Pleas decision which first held SB201 indefinite sentencing provisions to be unconstitutional.

[**State v. Leet, 2020-Ohio-4592, Decided September 25, 2020.**](#) Defendant appealed their indefinite sentence arguing that SB201 unconstitutionally violates the separation of powers doctrine and the right to due process. The Court

distinguished SB201 sentences from the “bad time” provisions stricken down by *State ex rel. Bray v. Russell* 89 Ohio St.3d 132 (2000) holding that extension of incarceration beyond the minimum term is merely executive execution of a judicially imposed maximum term. The Court cited its holding in *State v. Ferguson* above and held that SB201 does not violate the right to due process.

[**State v. Wallace, 2020-Ohio-5109, Decided October 30, 2020.**](#) Defendant appealed both the length of their sentence under RC 2953.08(G)(2) and the constitutionality of SB201 as to the indefinite portion of their sentence, specifically as a violation of the separation of powers doctrine and their right to due process. The defendant raised the issue of the constitutionality of SB201 by objecting prior to sentencing. The Court cited its decisions in *State v. Ferguson*, *State v. Barnes*, and *State v. Leet*, upholding the constitutionality of the SB201 indefinite sentencing scheme.

[**State v. Sinkhorn, 2020-Ohio-5359, Decided November 20, 2020.**](#) Defendant challenged both the sufficiency of the evidence supporting their conviction for the charges as well as the constitutionality of SB201 as violative of due process and separation of powers. The Court cited its prior decision in *Ferguson* above, upholding the constitutionality of the indefinite sentencing statutes as providing the defendant sufficient notice and opportunity to be heard before their incarceration could be extended beyond the minimum term.

Third District Court of Appealsⁱⁱ

[**State v. Hacker, 2020-Ohio-5048, Decided October 26, 2020.**](#) Constitutional challenge to SB 201 indefinite sentencing scheme as violative of their right to a jury trial, to due process, and of the separation of powers doctrine. The defendant filed an objection to the imposition of the SB201 indefinite sentence prior to their sentencing at the trial level, however that objection failed to raise the issue of the right to trial by jury, and the Third District held that portion of the argument to be waived. The Court upheld the constitutionality of SB201 on due process and separation of powers grounds, distinguishing the indefinite sentencing scheme from the “bad time” provisions of 1996 SB 2 overturned in *State ex rel. Bray v. Russell* 89 Ohio St.3d 132 (2000), and rejecting the analysis of the Hamilton County Common Pleas decision in *State v. Oneal*, Hamilton C.P. No. 1903 562 (Nov. 20, 2019).

[**State v. Kepling, 2020-Ohio-6888, Decided December 28, 2020.**](#) Defendant argued at sentencing that SB201’s indefinite sentencing procedures were unconstitutional as violative of both separation of powers and their right to due process. The Court followed its decision in *Hacker* above, holding that the law does not violate separation of powers, and went on to hold that the due process issue was not yet ripe for review.

[**State v. Anderson, 2020-Ohio-6891, Decided December 28, 2020.**](#) Defendant appealed their guilty plea was not knowingly, intelligently, or voluntarily made, alleging that the trial court did not adequately explain that they would be subject to indefinite sentencing or the procedures involved. The Court reviewed the record and found an adequate record of explanation both of the maximum penalty involved as well as the indefinite sentencing procedures. The relevant portion of the plea transcript is quoted in the opinion for reference.

Fourth District Court of Appeals

[**State v. Conant, 2020-Ohio-4319, Decided August 27, 2020.**](#) Defendant challenged the constitutionality of SB201 as part of his appeal. However, as the defense did not raise the issue at the time of sentencing, the Court held that the defense forfeited all but plain error review on appeal, and no plain error argument was included in the appeal.

[**State v. Ramey, 2020-Ohio-6733, Decided December 15, 2020.**](#) The defendant appealed their SB201 sentence as unconstitutionally violative of due process, separation of powers, and the right to trial by jury. An objection to the indefinite sentence was raised at the trial level. The Court conducted a review of decisions made by the other appellate districts, ultimately agreeing with the Fifth District decisions in *Downard* and *Manion* below and holding that the issues of SB201’s constitutionality is not yet ripe for review.

Fifth District Court of Appealsⁱⁱⁱ

[**State v. Shelton, 2020-Ohio-1218, Decided March 27, 2020.**](#) The defendant was not sentenced to a minimum or maximum term in compliance with SB201 for a qualifying F1 Failure to Provide Notice of Change of address. The State conceded error on that issue. Appellate decision goes on to hold that the defendant's juvenile adjudication for rape could be used as a basis for the sex offender registration requirements of R.C. 2950.

[**State v. Manion, 2020-Ohio-4230, Decided August 25, 2020.**](#) The defendant challenged the constitutionality of SB201's indefinite sentencing provisions as violative of their rights to trial by jury and due process, and of the separation of powers doctrine. The Court held that the constitutionality argument was not yet ripe for review, as the defendant had not yet been subject to continued incarceration. Citing the challenges to Ohio's "bad time" provisions in *State ex rel. Bray v. Russel* 89 Ohio St.3d 132 (2000), the Court held that the proper method the constitutionality of SB201's maximum sentence provisions would be via a habeas writ after incarceration had been extended.

[**State v. Downard, 2020-Ohio-4227, Decided August 26, 2020.**](#) The defendant challenged the constitutionality of SB201's indefinite sentencing provisions as violative of due process and separation of powers, and also argued defense counsel was ineffective for failing to raise the constitutionality issue at trial. The Court held that the constitutionality argument was not yet ripe for review, as the defendant had not yet been subject to continued incarceration. Citing the challenges to Ohio's "bad time" provisions in *State ex rel. Bray v. Russel* 89 Ohio St.3d 132 (2000), the Court held that the proper method the constitutionality of SB201's maximum sentence provisions would be via a habeas writ after incarceration had been extended. The ineffective assistance of Counsel claim was not addressed.

[**State v. Kibler, 2020-Ohio-4631, Decided September 25, 2020.**](#) The defendant challenged the constitutionality of SB201's indefinite sentencing provisions as violative of due process, and argued ineffective assistance of counsel for failure to raise the issue in the trial court. Citing their decision in *Downard* above, the Court held that the constitutionality argument was not yet ripe for review, as the defendant had not yet been subject to continued incarceration. The ineffective assistance of counsel claim was not addressed.

[**State v. Clark, 2020-Ohio-5013, Decided October 20, 2020.**](#) Constitutional challenge to SB201 indefinite sentencing provisions found not to be ripe for review, citing the above decisions in *Downard* and *Manion*.

[**State v. Cochran, 2020-Ohio-5329, Decided November 18, 2020.**](#) Fifth District followed the above holdings in *Downard* and *Manion* holding that the issue of the constitutionality of SB201 was not ripe for review. Judge Gwin, in a dissenting opinion, lays forth his reasons for both finding the issue ripe and for upholding the constitutionality of the statute.

[**State v. Wolfe, 2020-Ohio-5501, Decided November 30, 2020.**](#) Defendant challenged the constitutionality of SB201 on as well as a challenge to the consecutive sentences imposed and an argument on effectiveness of trial counsel. The Court cited its prior holdings that the constitutionality question was not ripe for review, and further held that the failure by trial counsel to object to the constitutionality of SB201 did not constitute ineffective assistance. The sentence was found to be contrary to law as the trial judge did not give the requisite RC 2929.19(B)(2)(c) advisements regarding the indefinite sentencing scheme at sentencing. The case was remanded for resentencing.

[**State v. Buckner, 2020-Ohio-7017, Decided December 30, 2020.**](#) Defendant appealed the constitutionality of their indefinite sentence as violative of their due process rights. The majority cites their previous decisions in *Clark*, *Downard*, and *Manion* in finding the issue not ripe for appeal. Judge Gwin again dissents as he did in *Cochran*, finding the issue ripe and opining that the law is constitutional.

Sixth District Court of Appeals^{iv}

[**State v. Maddox, 2020-Ohio-4702, Decided September 30, 2020¹**](#). Defendant appealed after an *Alford* plea and subsequent imposition of an indefinite sentence on the basis of both plain error arguing that SB201 sentences are unconstitutional, and ineffective assistance for defense counsel's failure to object to the SB201 sentence at the time of sentencing. The Court held that the constitutionality argument was not yet ripe for review, as the defendant had not yet been subject to continued incarceration. Citing the challenges to Ohio's "bad time" provisions in *State ex rel. Bray v. Russel* 89 Ohio St.3d 132 (2000), the Court held that the proper method the constitutionality of SB201's maximum sentence provisions would be via a habeas writ after incarceration had been extended. The ineffective assistance of Counsel claim was not addressed.

[**State v. Veliquette, 2020-Ohio-4855, Decided October 9, 2020**](#). Defendant appealed denial of motion to suppress and their indefinite prison sentence under SB201, arguing that the sentencing scheme unconstitutionally violates the separations of powers doctrine and their right to due process. The Court cited its decision in *Maddox* above holding that the issue is not yet ripe for review, however, it also recognized that the Second and Twelfth Appellate Districts have both issued opinions finding the issue ripe and upholding the constitutionality of the law. Based on this conflict among the districts, the Court certified the question to the Supreme Court for further review.

[**State v. Montgomery, 2020-Ohio-5552, Decided December 4, 2020**](#). Defendant challenged the voluntariness of their plea, as well as the constitutionality of SB 201's indefinite sentencing scheme. The Court found substantial compliance with Crim R. 11 sufficient to uphold the plea, and cited its decisions in *Maddox* and *Veliquette*, again certifying a conflict on the ripeness issue to the Supreme Court for review.

[**State v. Sawyer, 2020-Ohio-6980, Decided December 30, 2020**](#). Defendant appealed their sentence following a no contest plea to child endangering, arguing insufficiency of the evidence based on the State's explanation of the facts in the indictment as well as challenging the constitutionality of the SB201 indefinite sentence imposed. The Sixth cited its decisions in *Maddox*, *Veliquette*, and *Montgomery* in finding the SB201 issue not yet ripe for review, and reiterated the conflict on the issue previously certified in *Maddox*.

Eighth District Court of Appeals^v

[**State v. Young, 2020-Ohio-4135, Decided August 20, 2020**](#). The defendant was found not guilty by reason of insanity for a first-degree felony, and committed for a term of up to 11 years pursuant to statute. The Appellate Court held that the "maximum term of imprisonment" for these purposes was actually 11-16.5 years pursuant to SB 201 and RC 2929.144, and remanded the case for resentencing. The Court further held that the defendant's failure to raise the issue of the constitutionality of SB201 at the trial level forfeited the issue on appeal, and as such the Court made no holding on that issue.

[**State v. Dames, 2020-Ohio-4991, Decided October 22, 2020**](#). Defendant appealed challenging the indefinite portion of their seven to ten-and-a-half year prison term imposed under SB201 as unconstitutional. As the defendant failed to object at trial, the court held that all but plain error was forfeit, and since the defendant failed to raise a plain error argument they declined to issue a ruling on the Constitutionality of those provisions. The court also declined to weigh in on the ripeness argument raised by the state (citing *Downard* and *Manion* from the Fifth District).

[**State v. Stone, 2020-Ohio-5263, Decided November 12, 2020**](#). As with their decision in *State v. Dames* above, as the defendant failed to raise the issues of the constitutionality of SB201 at the trial court level the Court declined to address the issue as plain error on appeal.

¹ Due to a conflict, *Maddox* was decided by a panel of three Fifth District Court of Appeals judges. No members of the Sixth District took part in the case.

[**State v. Hollis, 2020-Ohio-5258, Decided November 12, 2020.**](#) Defendant challenged an 18-22-year sentence imposed for rape, kidnapping, and felonious assault arguing that consecutive sentences were improperly imposed and that the indefinite sentencing provisions of SB201 are unconstitutional as violative of separations of powers and the rights to due process and a trial by jury. Defendant did not raise the constitutionality issue at the trial level or raise a plain error argument on appeal, and as such the Court, citing its decision in *State v. Dames* above, declined to address the constitutionality issue or the state's argument that the issue of constitutionality was not ripe for review.

[**State v. Doss, 2020-Ohio-5510, Decided December 3, 2020.**](#) Defendant challenged the voluntariness of his plea citing an error at the first of two plea hearings which took place in his case, wherein the court failed to initially inform the defendant of the indefinite sentence that would be imposed in the case, but corrected the error at a later Crim R. 11 hearing. The court upheld the plea as knowingly, intelligently and voluntarily made. The Court also found no errors in the fourth amendment issues raised on appeal.

Ninth District Court of Appeals^{vi}

Eleventh District Court of Appeals^{vii}

[**State v. Ferguson, 2020-Ohio-5578, Decided December 7, 2020.**](#) Defendant appealed the voluntariness of his plea as well as the constitutionality of his SB201 sentence. He also argued that trial counsel was ineffective, in part due to their failure to object to the constitutionality of the SB201 indefinite sentence required by law. The Court declined to address the constitutionality issue as no plain error argument was made on appeal citing similar decisions in the Fourth District and Eighth District Courts of Appeals. The Court did not find defense counsel ineffective for failure to object to SB201's constitutionality at the trial level, citing Twelfth and Second District decisions upholding the law as well as Fifth and Sixth District decisions finding the law not yet ripe for review.

[**State v. Johnson, 2020-Ohio-6807, Decided December 21, 2020.**](#) Defendant failed to object to the constitutionality of the SB201 sentence imposed at trial, and the Court held that they therefore waived all but a plain error argument on the issue in their appeal. As they did not allege plain error and statutes are presumed to be constitutional, the Court found the appeal to be meritless.

[**State v. Miles, 2020-Ohio-6921, Decided December 28, 2020.**](#) Defendant appealed their sentence following a guilty plea to one F5 and two SB201 qualifying F1 offenses with firearm specifications. They alleged the two felonies of the first degree should have merged as allied offenses of similar import, and further that the court failed to properly impose the minimum term on those counts and to advise the defendant of indefinite sentencing procedures pursuant to RC 2929.19(B)(2)(c). The Court rejected the merger argument, but found discrepancies between the sentencing entry and the record as to the minimum and maximum terms imposed. The state conceded error on the failure to properly calculate the maximum term as well as the failure to provide the necessary advisements. The matter was remanded for resentencing for those purposes.

[**State v. Jones, 2020-Ohio-7002, Decided December 31, 2020.**](#) Defendant challenged the constitutionality of their SB201 sentence but did not raise the issue at the trial court level. The Court held that the failure to raise the issue meant they had waived the right to appeal

Twelfth District Court of Appeals^{viii}

[**State v. Guyton, 2020-Ohio-3837, Decided July 27, 2020.**](#) Defendant was convicted and sentenced to and indefinite 9 to 13.5-years in prison on a qualifying felony of the first degree, run concurrently to two other prison terms. Defense counsel made a general objection to the constitutionality of SB201 at the time of sentencing. Defendant's appeal argued that the imposition of additional prison time beyond the minimum term was violative of due process at it was being imposed by the executive branch rather than a court. The Twelfth District likened the provisions of rebutting the presumption of release to those made by a parole board, noting that the statute provides the defendant with notice of

the rebuttal hearing and an opportunity to be heard in the same manner as a parole-eligible inmate, and overruled the appeal.

[**State v. Alexander, 2020-Ohio-3838, Decided July 27, 2020.**](#) Defendant appealed constitutionality of SB201, but failed to raise the issues before or after trial or object at the time of sentencing. The Court held that the defendant forfeited the right to challenge the constitutionality of SB201 by failing to raise the issues at trial.

[**State v. Rogers, 2020-Ohio-4102, Decided August 17, 2020.**](#) Defendant appealed their sentence arguing a failure to comply with Criminal Rule 11 during the plea colloquy, and challenging the constitutionality of their SB201 indefinite sentence. The Court found fault with the plea colloquy and remanded the case on that basis, mooting the SB201 issue in the process. Judge Piper's dissent cites the decision in *Guyton* above for the holding that SB201's indefinite sentencing scheme is constitutional.

[**State v. Morris, 2020-Ohio-4103, Decided August 17, 2020.**](#) Defendant appealed constitutionality of their indefinite sentence imposed under SB201. The Court cites the decision in *Guyton* above for the holding that SB201's indefinite sentencing scheme is constitutional.

[**State v. Teasley, 2020-Ohio-4626, Decided September 28, 2020.**](#) Defendant appealed constitutionality of their indefinite sentence imposed under SB201 as violative of due process and separation of powers. The Court cited *Alexander* above as well as *State v. Young*, 2020-Ohio-4135 (8th Dist.) and held that the defendant forfeited the right to challenge the constitutionality of SB201 by failing to raise the issues at trial.

PENDING APPEALS

First District

<https://www.courtclerk.org/records-search/>

State v. Oneal, C 1900736 Filed 12/17/19. Appeal of trial court finding SB201 maximum terms unconstitutional.

Second District

Third District

Fourth District

Fifth District

Sixth District

Seventh District

Eighth District

<https://cpdocket.cp.cuyahogacounty.us/Search.aspx>

State v. Kent, C 109118 Filed 10/17/19. Appeal based on denial of motion to suppress, manifest weight/sufficiency of evidence, ineffective assistance of counsel at trial, and to constitutionality of SB 201 indefinite sentencing scheme as violative of separation of powers and right to due process.

State v. Peterson, C 109306 Filed 12/16/19. Several challenges to sentence including merger and failure to comply with statutory timeframes, as well as to a mathematical error in calculating the sentence, and a constitutional challenge to SB 201 indefinite sentencing scheme as violative of separation of powers, due process, and vagueness doctrine.

State v. Delvallie, C 109315 Filed 12/19/19. Constitutional challenge of SB 201 indefinite sentencing scheme as a denial of right to trial by jury for conduct which leads to extension of prison term beyond the minimum, as violative of separation of powers, and for violating right to due process.

State v. Jenkins, C 109323 Filed 12/23/19. Challenge to constitutionality of SB201 as violative of right to trial by jury, separation of powers, and due process, as well as manifest weight challenge to convictions.

State v. Claggett, C 109324 Filed 12/23/19. Challenge to constitutionality of SB201 as violative of right to trial by jury, separation of powers, and due process.

State v. Winkler, C 109420 Filed 01/22/20. Challenge to constitutionality of SB201 as violative of right to trial by jury, separation of powers, and due process.

State v. Simmons, C 109476 Filed 02/07/20. State of Ohio's appeal of the trial court finding SB201 to be unconstitutional, adopting the Hamilton County trial court's opinion in *Oneal*.

State v. Parker, C 109494 Filed 02/12/20. Constitutional challenge of SB 201 indefinite sentencing scheme. Defendant argues that the statute fails to protect due process as the standard to extend a prison term beyond the minimum is overly vague. Defendant also argues the statute is violative of the separation of powers doctrine.

State v. Wilburn, C 109507 Filed 02/17/20. Constitutional challenge of SB 201 indefinite sentencing scheme as violative of separation of powers doctrine. Cites to *Oneal* decision from Hamilton County and *Tupper* decision from Cuyahoga County, both finding SB 201 unconstitutional.

State v. Daniel, C 109583 Filed 03/09/20. Constitutional challenge to SB 201 indefinite sentencing scheme as violative of right to trial by jury, separation of powers, and right to due process.

State v. Gamble, C 109613 Filed 03/18/20. Constitutional challenge of SB 201 indefinite sentencing scheme as a denial of right to trial by jury for conduct which leads to extension of prison term beyond the minimum, as violative of separation of powers for placing fact finding outside a judicial proceeding, and as violative of due process for vagueness.

State v. Sealey, C 109670 Filed 04/07/20. State appeals a trial court finding that SB 201 indefinite sentencing scheme is unconstitutional, arguing that it neither violates the separation of powers doctrine nor right to due process.

Ninth District

Tenth District

Eleventh District

<http://www.11thcourt.co.trumbull.oh.us/>

Twelfth District

ENDNOTES: APPELLATE DECISIONS REFERENCING SB201

ⁱ Second District Decisions Referencing SB201

***State v. Shields*, 2020-OHIO-3204, Decided June 5, 2020.** Refers to SB201 indefinite sentencing but issues are unrelated to indefinite sentencing. The appeal was based on a defense argument that a prison sentence was not mandatory on an aggravated robbery charge with an attendant firearm specification.

***State v. Dapice*, 2020-Ohio-4324, Decided September 4, 2020.** Appeal of indefinite sentence under SB201 rejected as result of it being jointly recommended by the parties and accepted by the trial court. Ineffective assistance claims also rejected. The state and defense were initially incorrect in calculating the maximum term of incarceration under SB201, were advised of the error by the court and agreed to the corrected joint recommendation at the time of the plea.

***State v. Green*, 2021-Ohio-15, Decided January 8, 2021.** *Anders* appeal of the indefinite sentence imposed under SB201, The Court found no problems with the plea colloquy and rejected defendants argument that the length of his sentence was excessive. While the constitutionality of SB201 was not challenged, per *Anders* the Court reviewed the record for any potential issues and found none.

ⁱⁱ Third District Court of Appeals

***State v. Tyson*, 2020-Ohio-5049, Decided October 26, 2020.** Defendant was sentenced to 25-29.5 years in prison for crimes which took place when they were age 17 and challenged the length of the sentence imposed and the imposition of consecutive sentences. The sentences were upheld. There was no challenge to the indefinite sentencing scheme under SB201.

ⁱⁱⁱ Fifth District Decisions Referencing SB201

***State v. Grove*, 2019-Ohio-1627, Decided April 29, 2019.** Refers to SB201 indefinite sentencing only tangentially. The facts of the case occurred prior to effective date of amendment, and the defendant was given a definite sentence.

***State v. Horner*, 2020-Ohio-5530, Decided December 2, 2020.** *Anders* appeal alleging a discrepancy between the record and the sentencing entry. Defendant was sentenced to an indefinite term under SB201. No error was found.

^{iv} Sixth District Decisions Referencing SB201

***State v. Polley*, 2020-Ohio-3213, Decided June 5, 2020.** Defendant appealed their indefinite 10 to 15-year sentence for attempted murder and felonious assault as “contrary to law” under RC 2953.08(G)(2). No issues were presented related to the SB201 sentence, appellate court found that the record supported the sentence.

^v Eighth District Decisions Referencing SB201

^{vi} Ninth District Decisions Referencing SB201

***State v. Moore*, 2019-Ohio-1872, Decided May 15, 2019.** Refers to SB201 indefinite sentencing only tangentially. Manifest weight of the evidence appeal for a case that occurred prior to SB201 effective date.

***State v. Finklea*, 2019-Ohio-2199, Decided June 5, 2019.** Refers to SB201 indefinite sentencing only tangentially. Case dealt with evidentiary issues and review of imposition of a maximum sentence within range, facts occurred prior to the effective date of SB201.

State v. Sharier, 2019-Ohio-3533, Decided September 3, 2019. Refers to SB201 indefinite sentencing only tangentially. Case dealt with evidentiary issues and review of imposition of a maximum sentence within range, facts occurred prior to the effective date of SB201.

State v. Roberts, 2019-Ohio-4393, Decided October 28, 2019. Refers to SB201 indefinite sentencing only tangentially. Case dealt with Criminal Rule 11 plea hearing and review of sentence imposed, facts occurred prior to the effective date of SB201.

State v. Sprouse, 2020-Ohio-91, Decided January 15, 2020. Refers to SB201 indefinite sentencing only tangentially. Case dealt with manifest weight issues, facts occurred prior to the effective date of SB201.

State v. Brundage, 2020-Ohio-653, Decided February 26, 2020. Refers to SB201 indefinite sentencing only tangentially. Case dealt with denial of motion to withdraw guilty plea and review of sentence imposed, facts occurred prior to the effective date of SB201.

State v. Atkinson, 2020-Ohio-3522, Decided June 30, 2020. Refers to SB201 indefinite sentencing only tangentially. Case dealt with 4th Amendment issues and elements of the offense, facts occurred prior to the effective date of SB201.

^{vii} [Eleventh District Decisions Referencing SB201](#)

^{viii} [Twelfth District Decisions Referencing SB201](#)

State v. Hubbard, 2020-Ohio-856, Decided March 9, 2020. Refers to SB201 indefinite sentencing only tangentially. Challenge to the constitutionality and retroactive application of SB231 Violent Offender Database enrollment duties.

[State v. Combs, 2020-Ohio-4397, Decided November 23, 2020.](#) Defendant argued prosecutorial misconduct during testimony at trial as well as challenging the length of his SB201 indefinite sentence. The decision of the trial court was upheld. The issue of SB201's constitutionality was not raised.