[Cite as *State v. Jeffrey*, 2026-Ohio-4216.]

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
WASHINGTON COUNTY

State of Ohio,	:	Case No. 25CA36
Plaintiff-Appellee,	:	
	:	DECISION AND JUDGMENT ENTRY
v.	:	**RELEASED 10/15/2026**
Ryan V. Jeffrey,	:	
Defendant-Appellant.		

APPEARANCES:

Pat Story, Middleport, Ohio, for appellant.

Daniel W. Everson, Washington County Assistant Prosecuting Attorney, Marietta, Ohio, for appellee.

Hess, J.

{¶1} Ryan V. Jeffrey appeals a judgment of the Washington County Common Pleas Court convicting him, following a guilty plea, of aggravated trafficking in drugs and tampering with evidence. He also forfeited cash, a firearm, and a vehicle. Jeffrey contends that his guilty plea was not entered voluntarily, intelligently, and knowingly because the trial court informed him that a prison sentence for the drug trafficking offense would be mandatory, but did not inform Jeffrey his minimum sentence was eligible for reformative-based incentives for offenders, including a provision for "earned reduction of minimum prison term" (ERMPT) for "exceptional conduct while incarcerated or the offender's adjustment to incarceration" under R.C. 2967.271(F) of the Reagan Tokes Law. He contends that his minimum prison term for drug trafficking was subject to earned reduction

for exceptional conduct or adjustment to incarceration. Jeffrey contends that he is not required to show prejudice (i.e., that he would not have pled guilty) because the trial court "completely failed" to comply with a portion of Crim.R. 11(C) during the plea colloquy. Jeffrey also contends that, for the same reason, the trial court erred by sentencing him to a mandatory prison sentence on his conviction for the second-degree felony aggravated drug trafficking offense when he should have been sentenced to an indefinite sentence subject to earned reductions in the minimum prison time under R.C. 2967.271(F) of the Reagan Tokes Law.

{¶2} Underlying both of Jeffrey's assignments of error is a request that we find, as a matter of first impression in our district, that a mandatory sentence under R.C. 2929.13(F) is eligible for reduction under R.C. 2967.271(F). For the following reasons, we decline to do so. Instead, we find that a mandatory sentence is not eligible for reduction under R.C. 2967.271(F). We overrule the assignments of error and affirm the trial court's judgment.

I. FACTS AND PROCEDURAL HISTORY

{¶3} In August 2024, a Washington County grand jury indicted Jeffrey on one count of aggravated trafficking in drugs, a second-degree felony, with forfeiture specifications for a firearm, cash, and vehicle; one count of aggravated possession of drugs, a second-degree felony; one count of trafficking in a fentanyl-related compound, a second-degree felony; one count of possession of a fentanyl-related compound, a second-degree felony; and one count of tampering with evidence, a third-degree felony.

{¶4} Jeffrey entered a guilty plea to aggravated trafficking in drugs and the related forfeiture specifications, and to tampering with evidence. The remaining three drug

possession and fentanyl-related trafficking counts were dismissed. The trial court sentenced Jeffrey to a mandatory prison term on the aggravated drug trafficking offense of 7 to 10.5 years and a 30-month prison term for tampering with evidence, to run concurrent with the drug sentence for a total prison term of 7 to 10.5 years.

{¶5} Jeffrey requested and was granted leave to file a delayed appeal.

II. ASSIGNMENTS OF ERROR

{¶6} Jeffrey presents two assignments of error:

> I. The trial court erred during the plea colloquy with Appellant Ryan Jeffrey by advising him before he entered a guilty plea to the second-degree felony of drug trafficking, a violation of Rev. Code 2925.03(A)(2), that he would be subject to a mandatory prison sentence and not eligible for credit for early release. Plea Hearing
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> II. The trial court erred by sentencing Appellant Jeffrey to a mandatory prison sentence on his conviction for the second-degree felony offense of drug trafficking, in violation of Rev. Code 2925.03(A)(2). December 12, 2024 Sentencing Entry at 1. He should have been sentenced to an indefinite sentence under Re[a]gan To[k]es Act, Rev. Code 2929.271 [sic.]

III. LAW AND ANALYSIS

A. The Guilty Plea and Plea Colloquy

{¶7} For his first assignment of error, Jeffrey contends that his guilty plea was not made knowingly, intelligently, and voluntarily because at the change of plea hearing, the trial court did not inform him that he could be eligible for early release under the reformative-based incentives of earned reduction of his minimum prison term (ERMPT) under R.C. 2967.271(F) of the Reagan Tokes Law. He argues that the written plea agreement states:

> Most prison inmates are eligible to <u>earn</u> days of credit against their prison sentences for each month of productive participation in educational or employment programs developed by the ODRC with specific standards for

> performance by prisoners. Some inmates, including those confined for sex offenses and the most dangerous first and second degree felonies and homicides are not eligible to earn days of credit.

He argues that the trial court's error in failing to explain that the ERMPT applied to his sentence amounted to a "complete failure" to comply with a portion of Crim.R. 11(C) and therefore he is not required to show prejudice resulting from the trial court's failure.

{¶8} We conduct a de novo review of a guilty plea to ensure that the trial court complied with the constitutional and procedural safeguards in accepting the guilty plea. *State v. Jones*, 2026-Ohio-1952, ¶ 8 (4th Dist.). Before accepting a guilty plea in a felony case the trial court must comply with Crim.R. 11(C)(2)(a) through (c). The trial court must strictly comply with the provisions in Crim.R. 11(C)(2)(c), which govern the defendant's constitutional rights (jury trial, right to call witnesses, etc.). In contrast, when reviewing a defendant's non-constitutional rights, "a trial court must substantially comply with Crim.R. 11(C)(2)(a) and (b)." *State v. Carpenter*, 2023-Ohio-2838, ¶ 10, citing *State v. Veney*, 2008-Ohio-5200, ¶ 18. A defendant is excused from the burden of demonstrating prejudice when the trial court fails to explain constitutional rights under Crim.R. 11(C)(2)(c). A defendant is also excused from demonstrating prejudice when a trial court "complete[ly] fail[s] to comply with" a requirement of Crim.R. 11. *State v. Sarkozy*, 2008-Ohio-509, ¶ 22. Aside from these two exceptions, a defendant claiming that his guilty plea was not knowingly, intelligently, and voluntarily entered is required to show prejudice. *State v. Dangler*, 2020-Ohio-2765, ¶ 16. To demonstrate prejudice due to the trial court's failure to comply with Crim.R. 11(C), a defendant must establish he or she would not have pleaded guilty but for the trial court's failure. *State v. Clark,* 2008-Ohio-3748, ¶ 32.

{¶9} Jeffrey contests the Crim.R. 11 colloquy as it relates to the maximum penalty imposed on the aggravated drug trafficking offense and contends that the trial court failed completely to comply with Crim R. 11(C)(2)(a) when explaining the penalty for the aggravated drug trafficking offense. Crim.R. 11(C)(2)(a) requires that the trial court determine that the defendant is "making the plea voluntarily, with the understanding of . . . the maximum penalty involved."

{¶10} Jeffrey's aggravated drug trafficking offense is a second-degree felony under R.C. 2925.03(C)(1)(a) that is subject to a mandatory prison term under R.C. 2929.13(F)(5) and an indefinite sentence under R.C. 2929.14(A)(2)(a).

{¶11} At the change of plea hearing, the trial court correctly explained that the maximum penalty involved for the aggravated drug trafficking offense was 12 years and that the sentence was mandatory:

> Count One calls for what we call an indefinite prison term but the court has to pick a minimum as well as a maximum. So the longest possible minimum term on Count One is eight years. And it's whatever I pick out of two to eight plus fifty percent. So the longest minimum term is eight years; longest maximum is twelve years.
>
> . . . . Also, you need to understand that whatever the court picks on Count One are going to be mandatory. That means there's no early release, there's no anything like that.

{¶12} Thus, we find that the trial court complied with Crim.R. 11(C)(2)(a) when it correctly explained the maximum penalty involved and the mandatory nature of it. *See* R.C. 2925.03(A)(2) and (C)(1)(d); R.C. 2929.14(A)(2)(a); R.C. 2929.144(B); *State v. Williams,* 2025-Ohio-2902, ¶ 16 (1st Dist.) ("Courts have held that Crim.R. 11(C)(2)(a) is satisfied where the trial court provides that information or otherwise 'confirm[s] the defendant's subjective understanding of that fact in some other way, i.e., if the 'totality of

the circumstances' warrants the trial court in making a determination that the defendant otherwise understands, prior to entering his plea, that he or she is subject to a mandatory prison sentence.' "). A defendant subject to a mandatory prison term, is ineligible for community control, judicial release, or earned credit. *State v. Hendrix,* 2013-Ohio-4978, ¶ 26 (12th Dist.).

{¶13} The trial court correctly informed Jeffrey of the maximum sentence he faced for the aggravated drug trafficking offense. The court also, but did not need to, informed Jeffrey that the maximum sentences on both offenses (drug trafficking and tampering with evidence) could be imposed consecutively. "Failure to inform a defendant who pleads guilty to more than one offense that the court may order him to serve any sentences imposed consecutively, rather than concurrently, is not a violation of Crim.R. 11(C)(2), and does not render the plea involuntary." *State v. Johnson*, 40 Ohio St.3d 130 (1988), syllabus; *State v. Whitman*, 2021-Ohio-4510, ¶ 31 (6th Dist.) (the consensus among Ohio appellate districts is that when a consecutive sentence is discretionary the failure to inform a criminal defendant that a prison term may be run consecutive to another is not a violation of Crim.R. 11(C)(2)(a)). "Such an advisement is only necessary, if at all, when the imposition of consecutive sentences is mandatory." *State v. Buckley,* 2024-Ohio-499, ¶ 13 (12th Dist.).

{¶14} We reject Jeffrey's contention that the trial court erred by omitting an explanation of whether his minimum sentence could be reduced under the Reagan Tokes Law for exceptional conduct or an adjustment to incarceration. Even if we assume he was eligible for a possible reduction to his sentence, Crim.R. 11(C)(2)(a) does not require the trial court to advise the defendant of the *minimum* penalty involved – only the *maximum*

penalty involved. Crim.R. 11(C) does not require the trial court to explain whether an earned credit applies. *State v. Foster*, 2018-Ohio-4006, ¶ 26 (1st Dist.) ("Crim.R. 11 does not require a trial court to notify a defendant that his sentence may or may not be reduced by the statutory provisions providing for earned days of credit").

{¶15} Similarly, we find nothing improper or misleading with the language in the written plea agreement he signed. The paragraph in the plea agreement quoted above explains that in some situations some inmates can earn days of credit against their prison sentence. It is a general statement of the law and did not inform Jeffrey that he, specifically, was entitled to a reduction. Thus, it was not improper or misleading. Furthermore, the plea agreement correctly explains the maximum penalty involved, that it is mandatory, and that he was not eligible for community control.

{¶16} Because Crim.R. 11(C)(2)(a) does not require the trial court to explain the minimum penalties involved – or whether Jeffrey is eligible for a reduction to the minimum eight-year portion of the indefinite sentence under the Reagan Tokes Law, we find that the trial court complied with the maximum sentence advisement when it informed Jeffrey that he was subject to a mandatory indefinite sentence with a maximum term of 12 years for the drug trafficking offense.

{¶17} The cases Jeffrey cites are distinguishable. In *State v. Tackett*, 2023-Ohio-2298 (8th Dist.), the appellate court found that the trial court's failure to inform the defendant (1) that he was subject to an indefinite sentence and (2) of the correct maximum sentence was a complete failure of Crim.R. 11(C)(2)(a). *Id.* at ¶ 22. During the plea colloquy, the trial court informed the defendant that he could be sentenced to up to 12 years in prison and the maximum sentence it could impose was 16 years. But, in fact,

the sentence the trial court imposed was an indefinite sentence of 16 to 18.5 years, which was 2.5 more years than the maximum sentence the court had informed the defendant of at the plea colloquy. *Id.* at ¶ 21. Moreover, the appellate court found that under the law, the defendant was actually facing "a possible indefinite sentence of up to 26 years in prison" – 10 years more than the maximum he was advised in the plea colloquy. *Id*. at ¶ 23. Based on these errors, the appellate court determined that the defendant did not know the maximum penalty involved before the trial court accepted his guilty plea and the prejudice was apparent on its face. *Id.* at ¶ 22.

{¶18} Here, the trial court accurately informed Jeffrey that a prison sentence for the drug trafficking offense was mandatory, that he was subject to an indefinite prison term ("Count One calls for what we call an indefinite prison term"), and he was subject to a maximum indefinite sentence of 8 to 12 years ("the longest minimum term is eight years; longest maximum is twelve years"). The court was not required to inform Jeffrey whether he was eligible to reduce the eight-year minimum term under the Reagan Tokes Law. The trial court's advisements complied with Crim.R. 11(C)(2)(a).

{¶19} Similarly, we find *State v. Grays*, 2023-Ohio-2482 (8th Dist.) ("*Grays II*") distinguishable because, unlike the defendants in *Grays II*, Jeffrey was not informed that he was eligible for earned reduction or early release -- he was expressly informed otherwise. The court explained, "there's no early release, there's no anything like that. You understand?" and Jeffrey replied, "I do, yes, sir."

{¶20} In *Grays II*, the appellate court engaged in en banc review of two cases that conflicted: *State v. Bobo*, 2022-Ohio-3555 (8th Dist.) and *State v. Grays*, 2023-Ohio-221 (8th Dist.). In both *Bobo* and *Grays*, the defendants were each convicted of second-

degree felonies that carried mandatory prison terms. In each case during the Crim.R. 11 colloquy the trial court explained that the minimum term could be reduced based on exceptional conduct or adjustment to incarceration under the Reagan Tokes Law. *Grays II*, 2023-Ohio-2482, ¶ 6. Both defendants argued that the trial court erred in advising them that they were entitled to a reduction of their minimum prison term under the Reagan Tokes Law. It was the defendants' position that because they could not have their minimum sentences reduced in this manner, the trial court's advisements to the contrary meant that their guilty pleas were not knowingly, intelligently, or voluntarily made. *Grays II* at ¶ 7.

{¶21} In both cases, the appellate courts upheld the guilty pleas. *Grays II* at ¶ 8. However, in *Bobo,* the appellate court determined that Bobo's minimum sentence was mandatory and could not be reduced under the Reagan Tokes Law, so the trial court erred when it advised Bobo that it could be reduced, but the error was not prejudicial. *Grays II* at ¶ 8, citing *Bobo* at ¶ 24. In *Grays*, the appellate court determined that the exact same advisement was correct and Grays' mandatory sentence could be reduced under the Reagan Tokes Law, even though the sentence was mandatory under R.C. 2929.13(F). *Grays II*, 2023-Ohio-2482, at ¶ 9, citing *Grays*, 2023-Ohio-221 at ¶ 27, 32.

{¶22} The Eighth District Court of Appeals convened en banc to determine whether *Bobo* was correct – a mandatory sentence could not be reduced – or whether *Grays* was correct – it could be reduced. The legal question posed was whether a trial court errs during a Crim.R. 11 colloquy by advising a defendant "who is subject to an indefinite prison term under the Reagan Tokes Law, that he or she may earn a reduction on his or her minimum prison term for exceptional conduct or an adjustment to

incarceration when the defendant is required to serve a mandatory prison term pursuant to R.C. 2929.13(F).” *Grays II*, 2023-Ohio-2482 at ¶ 10.

{¶23} The appellate court first determined that the mandatory prison statute, R.C. 2929.13(F), conflicts with the sentence reduction provisions in Reagan Tokes Law, R.C. 2967.271(F) (the ERMPT provisions). *Grays II*, 2023-Ohio-2482, ¶ 18. The appellate court resolved the conflict by determining that the sentence reduction provisions in the Reagan Tokes Law should prevail because it “more accurately comports with the General Assembly’s manifest intent to ‘return to an incentive-based rehabilitative prison process for serious offenders.’ ” *Grays II*, 2023-Ohio-2482 at ¶ 23, quoting *State v. Delvallie*, 2022-Ohio-470, ¶ 6 (8th Dist.). It overruled *Bobo’s* finding that the trial court erred, and held that a trial court does not err when it advises a defendant subject to a mandatory prison term that the minimum sentence maybe reduced under the Reagan Tokes Law, R.C. 2967.271(F). The en banc panel in *Grays II* decided that only offenders serving a nonlife indefinite prison term for a sexually oriented offense are ineligible for earning sentencing reductions under R.C. 2967.271(F). Regardless of whether an offender is serving a mandatory prison term, the panel determined, “[a]ll other offenders serving an indefinite prison term for a nonlife felony of the first- or second-degree are eligible for ERMPT.” *Grays II*, 2023-Ohio-2482, ¶ 27.

{¶24} Here, unlike the trial courts in *Grays II*, the trial court did not advise Jeffrey during the Crim.R. 11 plea colloquy that his minimum sentence could be reduced under the Reagan Tokes Law. Instead, it informed him to the contrary – his sentence was not subject to early release. Importantly, *Grays II’s* analysis and holding has been expressly or implicitly rejected by other Ohio appellate courts. *State v. Wright*, 2026-Ohio-1714 (5th

Dist.) (mandatory indefinite prison terms cannot be reduced under R.C. 2967.271(F) of the Reagan Tokes Law); *State v. Armstead,* 2026-Ohio-999 (10th Dist.) (a prison term that is "mandatory" must be "imposed" and must be "served" and is not eligible for judicial release or other statutory reductions).

{¶25} The facts in *State v. Wright, supra*, are very similar to Jeffrey's case. In *Wright,* Wright pled guilty to aggravated possession of drugs, a second-degree felony that was punishable by a mandatory indefinite prison term. The trial court imposed a mandatory sentence of 7 years to 10.5 years. On appeal, Wright argued that the trial court erred in the Crim.R. 11 plea colloquy by advising him that he was not eligible for a reduction of his mandatory term under ERMPT in R.C. 2967.271(F) of the Reagan Tokes Law. The appellate court discussed *Grays II* and noted that Wright, like Jeffrey here, was expressly informed that he *was not eligible* for a sentence reduction, whereas the defendants in *Grays II* were expressly informed that *they could* have their sentences reduced. *Wright* at ¶ 28.

{¶26} *Wright* framed the question and answer as follows:

> The question before this Court is straightforward: Does ERMPT – R.C. 2967.271(F) – apply to prison terms that the General Assembly has expressly made mandatory under R.C. 2929.13(F)? We find that it does not. By definition and by statute, mandatory prison terms are not subject to reduction, and to be sure, nothing in the ERMPT framework alters that rule.

Wright at ¶ 35.

{¶27} *Wright* examined R.C. 2929.13(F) (governing mandatory prison terms), found its provisions unambiguous, and determined that it requires mandatory prison terms for certain offenses "that must be imposed and must be served." *Wright* at ¶ 38. "It expressly prohibits reducing those terms through judicial release, earned credit or '**any**

other provision of Chapter 2967 or Chapter 5120.' " (Emphasis in original) *Id.* Next, the court found no conflict between R.C. 2929.13(F) and R.C. 2967.271(F) (the ERMPT provisions) because the statutes "operate in harmony."

> R.C. 2967.271(F) establishes a general earned reduction mechanism. R.C. 2929.13(F) carves out a clear exception for mandatory terms and removes them from all reduction schemes. Reading the statutes together, ERMPT applies only where the underlying sentence is legally reducible. Mandatory sentences are not.

Wright at ¶ 39; *see also Grays II* at ¶ 29 (Boyle, J., dissenting with Groves, J., and Sheehan, J., concurring in dissent) ("no conflict exists between R.C. 2929.13 and 2967.271").

{¶28} Instead of adopting the analysis in *Grays II*, the court in *Wright* found persuasive authority in *State v. Armstead*, 2026-Ohio-999 (10th Dist.), which engaged in a detailed analysis of what constitutes a "mandatory prison term." *Wright* at ¶ 43. In *Armstead*, the defendant received an indefinite sentence that was mandatory, but the trial court had treated the prison term as "mandatory" only in the sense that it had to be imposed by the court, not that it had to be served by the offender. In other words, the trial court in *Armstead* "imposed" a two-year term for a felonious assault offense committed with a firearm, but Armstead's "service" of the sentence was non-mandatory meaning it was eligible for reduction through judicial release or other measures. *Wright* at ¶ 43; *Armstead* at ¶ 1. The Tenth District rejected this distinction. Relying on the sentencing statutes and the Supreme Court of Ohio's decision in *State v. Logan*, 2025-Ohio-1772, the appellate court explained that "a prison term required under R.C. 2929.13(F) is mandatory in every relevant sense. That is, it must be imposed, and it must be served." *Wright* at ¶ 44; *Armstead* at ¶ 22.

> Critically, the *Armstead* court grounded its reasoning in the structure of the sentencing statutes as a whole. It noted that R.C. 2929.13(F) operates in tandem with R.C. 2929.01(X), which defines "mandatory prison term," and with provisions such as R.C. 2929.20 and R.C. 2967.193, which govern sentence reduction. Read together, these statutes form a coherent system: mandatory terms are those that are both required to be imposed and insulated from reduction. Allowing courts to treat such terms as reducible would collapse that structure and render the statutory definition meaningless.

Wright at ¶ 45.

{¶29} In contrasting *Armstead* with *Grays II* and similar cases from the Eighth District, the *Wright* court found that the Eighth District's analyses "introduces a distinction that the statutes themselves do not support." *Wright* at ¶ 47. The court rejected the Eighth District's distinction between mandatory "imposition" of a sentence and mandatory "service" of a sentence as "undermining the legislature's policy choices" and cautioned that the "judiciary is not free to legislate from the bench." *Wright* at ¶ 49.

> When viewed against this backdrop, *Armstead* provides the more faithful and internally consistent interpretation of Ohio's sentencing statutes. Its reasoning applies with full force here. ERMPT, like judicial release and earned credit, is a mechanism that reduces the time an offender must serve. Because R.C. 2929.13(F) expressly prohibits any such reduction for mandatory prison terms absent a specific exception, ERMPT cannot apply unless the statute affirmatively says so.
>
> No such exception exists. And just as the Tenth District refused to recognize a textual distinction that would dilute the meaning of "mandatory," this Court declines to extend ERMPT into a domain the legislature has expressly placed beyond its reach.

Wright at ¶ 50-51. Based on its holding that a mandatory sentence under R.C. 2929.13(F) cannot be reduced through any mechanism contained in Chapter 2967, the appellate court in *Wright* found that the trial court did not err in advising Wright during his Crim.R. 11 plea colloquy that he was not eligible for a reduction of his mandatory prison term under ERMPT in R.C. 2967.271(F).

{¶30} We likewise find the analyses and holdings in *Wright* and *Armstead* provide a more faithful and internally consistent interpretation of Ohio's sentencing statutes. First, we find the trial court did not err in advising Jeffrey during the plea colloquy that he was not eligible for a reduction of his minimum mandatory prison term because Crim.R. 11(C)(2)(a) only requires a court to determine that he understands "the maximum penalty involved." Second, we find that the trial court's omission of advisements concerning ERMPT was proper because Jeffrey's mandatory indefinite prison term was not eligible for a reduction under ERMPT in R.C. 2967.271(F) or "any other provision in Chapter 2967." R.C. 2929.13(F).

{¶31} Jeffrey's first assignment of error is overruled.

B. Sentencing Entry

{¶32} In his second assignment of error, Jeffrey contends that the trial court erred by sentencing him "to a mandatory prison term for a second degree-felony" because "the trial court was required to sentence him to an indefinite sentence . . . subject to earned reductions in minimum prison time" under the Reagan Tokes Law. In sum, Jeffrey contends that the same mistake made during the plea colloquy was made during sentencing.

{¶33} In our disposition of Jeffrey's first assignment of error, we found that the correct sentence for aggravated drug trafficking was a mandatory indefinite prison term under R.C. 2929.13(F) and R.C. 2929.14(A)(2)(a), which is not subject to a reduction for judicial release, earned credit, or any other provision of Chapter 2967 – including the ERMPT in R.C. 2967.271(F). At both the sentencing hearing and in the sentencing entry the trial court properly imposed a mandatory indefinite prison term of 7 years to 10.5 years

and did not inform Jeffrey that he was eligible for a statutory reduction. As a result, Jeffrey's second assignment of error is overruled as moot.

IV. Conclusion

{¶34} We overrule the assignments of error and affirm the trial court's judgment.

JUDGMENT AFFIRMED.

JUDGMENT ENTRY

It is ordered that the JUDGMENT IS AFFIRMED and that appellant shall pay the costs.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Washington County Common Pleas Court to carry this judgment into execution.

If a stay of execution of sentence and release upon bail has been previously granted by the trial court or this court, it is temporarily continued for a period not to exceed 60 days upon the bail previously posted. The purpose of a continued stay is to allow appellant to file with the Supreme Court of Ohio an application for a stay during the pendency of proceedings in that court. If a stay is continued by this entry, it will terminate at the earlier of the expiration of the 60-day period, or the failure of the appellant to file a notice of appeal with the Supreme Court of Ohio in the 45-day appeal period set forth in the Rules of Practice of the Supreme Court of Ohio. Additionally, if the Supreme Court of Ohio dismisses the appeal prior to expiration of 60 days, the stay will terminate as of the date of such dismissal.

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

Smith, P.J. & Wilkin, J.: Concur in Judgment and Opinion.

For the Court

BY: _____
Michael D. Hess, Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 22, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.