[Cite as *State v. Delgado*, 2026-Ohio-4516.]

IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
DELAWARE COUNTY, OHIO

STATE OF OHIO Plaintiff-Appellee ABDIEL ISAAC KHURY DELGADO Defendant-Appellant	Case No. 26CAA080084 Opinion And Judgment Entry Appeal from the Delaware County Court of Common Pleas, Case No. 21 CRI 08-0496 Judgment: Affirmed Date of Judgment Entry: November 12, 2026

BEFORE: Andrew J. King, William B. Hoffman, and Kevin W. Popham, Judges

APPEARANCES: Katheryn Munger, for Plaintiff-Appellee; Abdiel Isaac Khury Delgado, Pro Se, for Defendant-Appellant

OPINION

Popham, J.,

{¶1} Appellant Abdiel Isaac Khury Delgado ("Delgado") appeals from the August 6, 2026, judgment of the Delaware County Court of Common Pleas denying his motion to clarify sentence. For the reasons that follow, we affirm.

Facts and Procedural History

{¶2} On September 2, 2021, Delgado was indicted on one count of aggravated trafficking in drugs [cocaine] in an amount equal to or greater than 100 grams, a first-degree

felony in violation of R.C. 2925.03(A)(2). The indictment also included major drug offender and forfeiture specifications.

{¶3} On April 19, 2022, Delgado pleaded guilty to one count of aggravated trafficking in drugs [cocaine] in an amount equal to or greater than 100 grams, without the major drug offender specification. On May 23, 2022, the trial court sentenced Delgado to an indefinite prison term of a minimum of 10 years and a potential maximum term of 15 years. The sentencing entry expressly stated, "This is a mandatory sentence." The entry further advised Delgado that, because his sentence was mandatory, he was ineligible for Earned Reduction of Minimum Prison Term ("ERMPT") and Earned Credit and Risk Reduction ("ECRR").

{¶4} Delgado did not appeal his conviction or sentence.

{¶5} On June 22, 2026, Delgado filed a motion to clarify sentence, asking the trial court to clarify that, despite the mandatory nature of his Reagan Tokes sentence, he remained eligible to earn days of credit under H.B. 86 and R.C. 2967.194.

{¶6} The trial court denied the motion, concluding that the sentencing entry correctly reflected Ohio law and required neither revision nor clarification. The court further determined that Delgado was not entitled to the requested relief because his minimum prison term was mandatory. *Judgment Entry, Aug. 6, 2026.*

Assignment of Error

{¶7} Delgado raises one assignment of error:

{¶8} "I. THE TRIAL COURT ERRED AND ABUSED ITS' DISCRETION BY FAILING TO ENSURE THAT APPELLANT'S ENTITLEMENT TO EARN DAYS OF CREDIT WAS CLEARLY STATED IN THE SENTENCING JOURNAL ENTRY, AND

REFUSING TO CLARIFY THE SENTENCING ENTRY TO REFLECT HIS ABILITY TO DO SO, THEREBY DEPRIVING APPELLANT OF DUE PROCESS OF LAW AND EQUAL PROTECTION OF THE LAW."

I.

In his sole assignment of error, Delgado argues that the trial court erred by denying his motion to clarify sentence. He contends that although the trial court was required to impose a mandatory prison term, he remains eligible to earn days of credit against that term. We consider his arguments concerning ERMPT and ECRR separately.

Earned Reduction of Minimum Prison Term (ERMPT)

{¶9} In *State v. Wright*, 2026-Ohio-1714, ¶¶ 52–54 (5th Dist.), this Court held that ERMPT is a sentence-reduction mechanism that does not apply to a prison term the General Assembly has expressly made nonreducible. Under R.C. 2929.13(F)(5), the drug offense at issue in *Wright* required a mandatory prison term that could not be reduced absent specific statutory authorization. Because no such authorization permitted ERMPT, the defendant was ineligible for that reduction.

{¶10} The same reasoning applies here. Delgado was convicted of a first-degree felony drug offense for which R.C. 2925.03(C)(4)(g) requires the imposition of a mandatory prison term. Under R.C. 2929.13(F)(5), that term may not be reduced except as specifically authorized by statute. No such authorization permits Delgado to obtain ERMPT under R.C. 2967.271(F). Accordingly, the trial court properly determined that Delgado is ineligible for ERMPT.

Earned Days of Credit Under R.C. 2967.194 (ECRR)

{¶11} Delgado's separate claim concerning earned days of credit is governed by R.C. 2967.194(F)(2), which provides that days of credit awarded under the statute are applied toward the minimum and maximum terms of an eligible prisoner serving an indefinite prison term imposed under R.C. 2929.14(A)(1)(a) or (2)(a) for a first- or second-degree felony committed on or after March 22, 2019.

{¶12} The statute, however, expressly excludes certain prisoners from eligibility. R.C. 2967.194(C)(1) provides that no days of credit shall be awarded to a person serving a prison term that R.C. 2929.13 or R.C. 2929.14 specifies cannot be reduced under R.C. 2967.194 or Chapter 2967.

{¶13} R.C. 2929.13(F) addresses the imposition and reduction of mandatory prison terms. It provides, in relevant part, that, for specified offenses, the court "shall impose a prison term" and "shall not reduce the term or terms" under enumerated statutory provisions, including R.C. 2967.194. Those offenses include a first-, second-, or third-degree felony drug offense for which the applicable statute requires the imposition of a mandatory prison term. R.C. 2929.13(F)(5).

Application

{¶14} Delgado was convicted of aggravated trafficking (cocaine) in an amount equal to or greater than 100 grams in violation of R.C. 2925.03(A)(2). R.C. 2925.03(C)(4)(g) provides "the court shall impose as a mandatory prison term a maximum first-degree felony mandatory prison term."

{¶15} Delgado's sentence is specifically exempted, and he may not earn days of credit under R.C. 2967.194 which provides in relevant part,

(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom any of the following applies shall be awarded any days of credit under division (A)(2) or (3) of this section:

(1) *The person is serving a prison term that section 2929.13* or section 2929.14 of the Revised Code *specifies cannot be reduced pursuant to this section or this chapter* or is serving a sentence for which section 2967.13 or division (B) of section 2929.143 of the Revised Code specifies that the person is not entitled to any earned credit under this section.

(Emphasis added).

{¶16} R.C. 2929.13 provides, in relevant part,

(F) Notwithstanding divisions (A) to (E) of this section, *the court shall impose a prison term* or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code *shall not reduce the term or terms pursuant to section* 2929.20, division (A)(2) or (3) of section 2967.193 *or 2967.194*, *or any other provision of Chapter 2967* or Chapter 5120 of the Revised Code *for any of the following offenses*:

...

(5) A *first,* second, or third *degree felony drug offense* for which section 2925.02, *2925.03*, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code,

whichever is applicable regarding the violation, requires the imposition of a mandatory prison term….

Emphasis added.

{¶17} In this case, under R.C. 2925.03 (C)(4)(g) Delgado's first-degree felony drug offense requires a mandatory prison term. Under R.C. 2929.13(F)(5) the statute expressly provides that the court "shall not reduce" that term except where specifically authorized. R.C. 2967.194(C)(1) specifically excludes Delgado's first-degree felony drug offense sentence from ECRR.

{¶18} Accordingly, Delgado is ineligible for ECRR under R.C. 2967.194. This conclusion follows from the express language of the governing statutes, not merely from the trial court's designation of his sentence as mandatory.

{¶19} Delgado relies on *State v. Nicholson*, 2025-Ohio-5411 (8th Dist.), and related cases. Those decisions, however, concern ERMPT under R.C. 2967.271(F), rather than the distinct ECRR provisions of R.C. 2967.194. They therefore do not alter the result required by the statutory provisions governing Delgado's eligibility for earned days of credit.

{¶20} Because Delgado is ineligible for both ERMPT and ECRR under the applicable statutes, the trial court did not err in denying his motion to clarify sentence.

Conclusion

{¶21} The trial court properly denied Delgado's motion to clarify sentence. Under R.C. 2929.13(F)(5), his mandatory prison term is not eligible for ERMPT under R.C. 2967.271(F). Further, R.C. 2929.13(F)(5) and R.C. 2967.194(C)(1) preclude him from receiving ECRR under R.C. 2967.194.

{¶22} Accordingly, Delgado's sole assignment of error is overruled.

{¶23} The judgment of the Court of Common Pleas for Delaware County, Ohio is affirmed.

{¶24} Costs are to be paid by appellant Abdiel Isaac Khury Delgado.

By: Popham, J.

King, P.J. and

Hoffman, J., concur