

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
OTTAWA COUNTY

State of Ohio

Court of Appeals No. OT-26-006

Appellee

Trial Court No. 24 CR 192

v.

Thomas P. Johnson

DECISION AND JUDGMENT

Appellant

Decided: October 20, 2026

* * * * *

James J. VanEerten, Ottawa County Prosecutor, and
Alec Vogelpohl, Ottawa County Assistant Prosecutor, for appellee.

W. Alex Smith, for appellant.

* * * * *

SULEK, J.

{¶ 1} Defendant-appellant, Thomas Johnson, appeals a judgment of the Ottawa County Court of Common Pleas which, after pleading guilty to 38 counts of pandering sexually-oriented matter involving a minor or impaired person, all second-degree

felonies, sentenced him to an indefinite prison term of 16 to 20 years. Because the sentence is contrary to law, it is vacated and the matter is remanded for resentencing.

I. Background

{¶ 2} On August 21, 2024, the Ottawa County Grand Jury indicted Johnson on 38 second-degree felony counts of pandering sexually-oriented matter involving a minor or impaired person: 19 under R.C. 2907.322(A)(1),(C) and 19 under R.C. 2907.322(A)(6),(C). The charges spanned February to December 2023, and alleged that Johnson knowingly downloaded and shared sexually-oriented videos involving minors.

{¶ 3} On July 24, 2025, Johnson pleaded guilty to all counts in the indictment. At the plea hearing, the trial court informed Johnson that he faced a maximum prison term of 156 years: 152 years representing eight years for each offense with a four-year indefinite tail. At Johnson's January 5, 2026 sentencing hearing, the trial court imposed the following sentence:

As to Count One, you're sentenced to a definite prison term of eight years and an indefinite term of 12 years.

As to Count Two, you're sentenced to a prison term of eight years.

Counts One and Two are to be served consecutively, for a total definite prison term of 16 years, and an indefinite term of 20 years.

As to Counts Three through Nineteen, you're sentenced to a prison term of two years to each count.

Counts Twenty through Thirty-Eight, you're sentenced to a prison term of two years to each count.

Counts Three through Thirty-Eight are to run concurrently with each other, and concurrently with the sentences imposed in Counts One and Two. For a total prison term of 16 to 20 years.

{¶ 4} The trial court noted in its sentencing judgment entry “that Count #1 through Count #38 each occurred after March 22, 2019, are qualifying offenses, and are therefore subject to indefinite sentencing, pursuant to Ohio Revised Code Section 2929.144 (SB201 Reagan Tokes).” Mirroring the sentencing hearing, the court then imposed the following sentence:

As to Count #1, the Defendant is sentenced to a definite prison term of eight (8) years, and an indefinite prison term of twelve (12) years, in the Ohio Department of Rehabilitation and Corrections.

As to Count #2, the Defendant is sentenced to a prison term of eight (8) years.

Sentences imposed on Count #1 and Count #2 shall be served consecutive to each other, for a total definite prison term of sixteen (16) years, and an indefinite prison term of twenty (20) years.

As to Counts #3 through #19, the Defendant is sentenced to a prison term of two (2) years on each count.

As to Counts #20 through #38, the Defendant is sentenced to a prison term of two (2) years on each count.

Sentences imposed on Counts #3 through #38 shall run concurrent with each other, and concurrent with the sentences imposed on Count #1 and Count #2, for a total definite prison term of sixteen (16) years, and an indefinite prison term of twenty (20) years, in the Ohio Department of Rehabilitation and Corrections.

This appeal followed.

II. Assignment of Error

{¶ 5} Johnson raises the following assignment of error:

The sentence is contrary to law because Reagan Tokes and aggregate sentencing structure is internally inconsistent and that the sentence imposed on Count 2 cannot be reconciled with the sixteen-to-twenty-year aggregate sentence.

III. Analysis

{¶ 6} Johnson claims that his sentence is contrary to law because the trial court failed to impose an indefinite prison sentence on Count 2. Felony sentencing challenges are reviewed under R.C. 2953.08(G)(2). That statute permits an appellate court to increase, reduce, or otherwise modify a sentence, or vacate a sentence and remand the matter for resentencing where the court clearly and convincingly finds:

(a) That the record does not support the sentencing court's findings under division (B) or (D) of section 2929.13, division (B)(2)(e) or (C)(4) of section 2929.14, or division (I) of section 2929.20 of the Revised Code, whichever, if any, is relevant;

(b) That the sentence is otherwise contrary to law.

A sentence failing to comply with the mandatory provisions of the sentencing statutes is contrary to law. *State v. Thompson*, 2026-Ohio-3194, ¶ 33 (6th Dist.), quoting *State v. Chambers*, 2024-Ohio-3341, ¶ 210 (6th Dist.).

{¶ 7} Johnson pleaded guilty to 38 second-degree felony counts which he committed in 2023. R.C. 2929.14(A)(2)(a) relevantly provides:

[I]f the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a prison term that shall be one of the following:

. . .

(2)(a) For a felony of the second degree committed on or after March 22, 2019, the prison term shall be an indefinite prison term with a stated minimum term selected by the court of two, three, four, five, six, seven, or eight years and a maximum term that is determined pursuant to section 2929.144 of the Revised Code, except that if the section that criminalizes the conduct constituting the felony specifies a different minimum term or penalty for the offense, the specific language of that section shall control in determining the minimum term or otherwise sentencing the offender but the

minimum term or sentence imposed under that specific language shall be considered for purposes of the Revised Code as if it had been imposed under this division.

(b) For a felony of the second degree committed prior to March 22, 2019, the prison term shall be a definite term of two, three, four, five, six, seven, or eight years.

{¶ 8} Thus, under the clear language of the statute, for each qualifying second-degree felony a trial court must impose a stated minimum as opposed to a definite sentence. *State v. Smith*, 2026-Ohio-2113, ¶ 28 (6th Dist.), quoting *Chambers*, 2024-Ohio-3341, at ¶ 212, quoting *State v. Searls*, 2022-Ohio-858, ¶ 33 (2d Dist.).¹ Here, although the trial court properly computed Johnson’s aggregate minimum term and maximum sentence, and it is probable that the court intended the terms imposed be the stated minimum terms, this does not change the fact that, as written, the court imposed definite terms instead of indefinite ones.

{¶ 9} Accordingly, because Johnson’s sentence does not comply with Ohio’s indefinite sentencing scheme, it is contrary to law. *Thompson*, 2026-Ohio-3194, at ¶ 34, quoting *Chambers* at ¶ 210. Johnson’s assignment of error is well-taken.

¹The *Searls* court provided the following guidance for the trial court on remand: “While no specific language is required, the trial court may satisfy this mandate by modifying the language in Counts 38, 41, and 53 to read, in part: ‘PANDERING OBSCENITY INVOLVING MINOR (create, reproduce, publish) (F2) (SUBJECT TO REAGAN TOKES ACT): AN INDEFINITE PRISON TERM WITH A MINIMUM TERM OF EIGHT (8) YEARS * * *.’” *Id.* at ¶ 34.

IV. Conclusion

{¶ 10} Upon due consideration, the judgment of the Ottawa County Court of Common Pleas is reversed and vacated and the matter is remanded for resentencing. Pursuant to App.R. 24, the State is ordered to pay the costs of this appeal.

Judgment vacated and remanded for resentencing.

A certified copy of this entry shall constitute the mandate pursuant to App.R. 27.
See also 6th Dist.Loc.App.R. 4.

Christine E. Mayle, J.

JUDGE

Myron C. Duhart, J.

JUDGE

Charles E. Sulek, J.

CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
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