

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee,	:	No. 110582
	:	
v.	:	
	:	
ANTWUAN MITCHELL,	:	
	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED

RELEASED AND JOURNALIZED: March 31, 2022

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-20-647744-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting
Attorney, and Morgan Austin, Assistant Prosecuting
Attorney, *for appellee*.

Richard A. Neff, *for appellee*.

LISA B. FORBES, J.:

I. Facts and Procedural History

{¶ 1} On May 10, 2021, Antwuan Mitchell (“Mitchell”) pled guilty to robbery, a second-degree felony, in violation of R.C. 2911.02(A)(1) with a firearm specification and abduction, a third-degree felony, in violation of

R.C. 2905.02(A)(2). On May 26, 2021, the court sentenced Mitchell to a minimum of four years and a maximum of six years in prison for the robbery under the Reagan Tokes Law, to run consecutive to one year in prison for the firearm specification. The court also sentenced Mitchell to three years in prison for the abduction and ordered that this sentence run consecutive to the sentence for the robbery.

{¶ 2} It is from this sentence that Mitchell appeals raising the following sole assignment of error: “As amended by the Reagan Tokes [Law], the revised code’s sentences for first- and second-degree qualifying felonies violates [sic] the constitutions of the United States and the state of Ohio; the trial court plainly erred in imposing a Reagan Tokes indefinite sentence.”

II. Law and Analysis

{¶ 3} Mitchell’s assignment of error is overruled pursuant to this court’s en banc decision in *State v. Delvallie*, 8th Dist. Cuyahoga No. 109315, 2022-Ohio-470.

{¶ 4} Judgment affirmed.

It is ordered that appellee recover from appellant costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution.

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

LISA B. FORBES, JUDGE

FRANK DANIEL CELEBREZZE, III, P.J., and
MARY J. BOYLE, J., CONCUR

N.B. The author of this opinion is constrained to apply *Delvallie*. For a full explanation, see *State v. Delvallie*, 8th Dist. Cuyahoga No. 109315, 2022-Ohio-470 (Forbes, J., dissenting).