

**COURT OF APPEALS OF OHIO**

**EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA**

STATE OF OHIO, :  
 :  
 Plaintiff-Appellee, :  
 : No. 110774  
 v. :  
 :  
 WALTER CLOUD, :  
 :  
 Defendant-Appellant. :

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JOURNAL ENTRY AND OPINION

**JUDGMENT: AFFIRMED**  
**RELEASED AND JOURNALIZED: April 7, 2022**

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Criminal Appeal from the Cuyahoga County Court of Common Pleas  
Case No. CR-20-654507-A

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***Appearances:***

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

Cullen Sweeney, Cuyahoga County Public Defender, and Michael V. Wilhelm, Assistant Public Defender, *for appellant*.

MICHELLE J. SHEEHAN, J.:

{¶ 1} Defendant-appellant Walter Cloud was indicted for two counts of aggravated arson, a second-degree felony. The indictment stemmed from an arson

incident on November 8, 2020. Cloud had stayed at the victim's home but on the night of the incident, the victim asked him to leave. Cloud left but then returned to set fire to the back porch of the victim's home. He committed the arson offense while on probation for a prior burglary offense. Cloud pleaded guilty to one count of aggravated arson, and the trial court sentenced him to an indefinite sentence of three- to four-and-one-half years pursuant to the Reagan Tokes Law as defined under R.C. 2901.011, which went into effect on March 22, 2019.

{¶ 2} On appeal, Cloud only challenges the constitutionality of the Reagan Tokes Law. He claims the law is unconstitutional because it violates a defendant's right to a jury trial, due process, and separation of powers. In *State v. Delvallie*, 8th Dist. Cuyahoga No. 109315, 2022-Ohio-470, this court considered these constitutional claims en banc and found the Reagan Tokes Law to be constitutional. Accordingly, we affirm the trial court's judgment.

{¶ 3} Judgment affirmed.

It is ordered that appellee recover of 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.

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MICHELLE J. SHEEHAN, JUDGE

SEAN C. GALLAGHER, A.J., and  
FRANK DANIEL CELEBREZZE, III, J., CONCUR