

**COURT OF APPEALS OF OHIO**

**EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA**

STATE OF OHIO, :  
 :  
 Plaintiff-Appellee, :  
 : No. 110905  
 v. :  
 :  
 NORRIS L. BROWN, :  
 :  
 Defendant-Appellant. :

---

JOURNAL ENTRY AND OPINION

**JUDGMENT: AFFIRMED**  
**RELEASED AND JOURNALIZED: May 19, 2022**

---

Criminal Appeal from the Cuyahoga County Court of Common Pleas  
Case No. CR-20-652482-A

---

***Appearances:***

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Mahmoud S. Awadallah and Warren W. Griffin, Assistant Prosecuting Attorneys, *for appellee*.

Tim Young, Ohio State Public Defender, and Lauren Hammersmith, Assistant State Public Defender, *for appellant*.

KATHLEEN ANN KEOUGH, P.J.:

{¶ 1} Defendant-appellant, Norris Brown, appeals his sentence, contending that the law under which he was sentenced – the Reagan Tokes Law – is unconstitutional. Finding no merit to the appeal, we affirm.

{¶ 2} Brown pleaded guilty to one count of involuntary manslaughter with a three-year gun specification and one count of felonious assault. Over defense counsel's objection, the trial court applied the Reagan Tokes Law and sentenced Brown to an aggregate sentence of 18 to 23 and one-half years in prison.

{¶ 3} In his single assignment of error, Brown contends that this court should vacate his sentence because the Reagan Tokes Law is unconstitutional in that it violates constitutional guarantees of due process and separation of powers.

{¶ 4} Brown'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, which overruled the challenges presented in this appeal to the Reagan Tokes Law.

{¶ 5} 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. The defendant's conviction having been affirmed, any bail pending is terminated. Case remanded to the trial court for execution of sentence.

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

---

KATHLEEN ANN KEOUGH, PRESIDING JUDGE

EILEEN A. GALLAGHER, J., and  
LISA B. FORBES, J., CONCUR

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

