

COURT OF APPEALS OF OHIO
EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee,	:	No. 110573
	:	
v.	:	
	:	
MICHAEL DUDAS,	:	
	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED
RELEASED AND JOURNALIZED: March 24, 2022

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-20-650250-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Anna Faraglia and Daniel T. Van, Assistant Prosecuting Attorneys, *for appellee*.

Edward M. Heindel, *for appellant*.

EILEEN A. GALLAGHER, J.:

{¶ 1} Defendant-appellant Michael Dudas pled guilty to one count of aggravated murder (an unclassified felony), one count of aggravated robbery (a first-degree felony) and two counts of misuse of a credit card (a fifth-degree felony). The trial court imposed a sentence of 25 years to life on the aggravated murder count, an

indefinite sentence of three to four-and-a-half years on the aggravated robbery count (to be served consecutively to the sentence on the aggravated murder count) and one year each on the misuse of a credit card counts (to be served concurrently to each other and concurrently with the sentences on the other counts). Dudas appeals his sentence on the aggravated robbery count, arguing that the indefinite sentence, imposed under the Reagan Tokes Law, is unconstitutional. He raises the following three assignments of error for review:

Assignment of Error No. 1: The Reagan Tokes Act is unconstitutional because it violates the Due Process Clauses of the United States and Ohio Constitutions.

Assignment of Error No. 2: The Reagan Tokes Act is unconstitutional because it violates the separation of powers doctrine embodied in the Ohio Constitution.

Assignment of Error No. 3: The Reagan Tokes Act is unconstitutional because it violates the right to jury trial as guaranteed by the United States and Ohio Constitutions.

{¶ 2} The arguments presented in this case do not present novel issues or any new theory challenging the constitutional validity of any aspect of the Reagan Tokes Law left unaddressed by this court's en banc decision in *State v. Delvallie*, 8th Dist. Cuyahoga No. 109315, 2022-Ohio-470. Accordingly, pursuant to *Delvallie*, we overrule Dudas' assignments of error.

{¶ 3} Judgment affirmed.

It is ordered that appellee recover from appellant the 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 Cuyahoga County Court of Common Pleas to carry this judgment into execution. The defendant's convictions having been affirmed, any bail pending appeal is terminated.

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

EILEEN A. GALLAGHER, JUDGE

FRANK DANIEL CELEBREZZE, III, P.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).