

**COURT OF APPEALS OF OHIO**

**EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA**

STATE OF OHIO,	:	
	:	
Plaintiff-Appellee,	:	
	:	No. 112034
v.	:	
	:	
ERIS LIGON,	:	
	:	
Defendant-Appellant.	:	

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**JOURNAL ENTRY AND OPINION**

**JUDGMENT: AFFIRMED**

**RELEASED AND JOURNALIZED: May 25, 2023**

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Criminal Appeal from the Cuyahoga County Court of Common Pleas  
Case Nos. CR-20-654228-A, CR-20-654230-A, and CR-21-660714-A

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***Appearances:***

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

Cullen Sweeney, Cuyahoga County Public Defender, and  
Erika B. Cunliffe, Assistant Public Defender, *for  
appellant*.

LISA B. FORBES, J.:

{¶ 1} Appellant Eris Ligon (“Ligon”) appeals the trial court’s journal entry sentencing him to an indefinite prison term pursuant to the Reagan Tokes Law. After reviewing the facts of the case and pertinent law, we affirm.

## **I. Facts and Procedural History**

{¶ 2} Ligon pleaded guilty to aggravated robbery, a first-degree felony in violation of R.C. 2911.01(A)(1) with a one-year firearm specification; grand theft, a fourth-degree felony in violation of R.C. 2913.02(A)(1); theft, a first-degree misdemeanor in violation of R.C. 2913.02(A)(1); and carrying concealed weapons, a fourth-degree felony in violation of R.C. 2923.12(A)(2).

{¶ 3} In a September 16, 2022 journal entry, the trial court sentenced Ligon to an aggregate prison term of 4-5.5 years. It is from this order that Ligon appeals.

## **II. Law and Analysis**

{¶ 4} In his sole assignment of error, Ligon claims that “the trial court erred when it imposed an S.B. 201 indeterminate sentence over objections to its constitutionality.” On appeal, Ligon concedes that his appellate “arguments are inconsistent with the en banc decision in *Delvallie*”; however, he is appealing to preserve the issue pending the Ohio Supreme Court’s decision in *State v. Hacker*, 2020-Ohio-5048, 161 N.E.3d 112 (3d Dist.), and *State v. Simmons*, 2021-Ohio-939, 169 N.E.3d 728 (8th Dist.).

{¶ 5} Ligon’s assignment of error is overruled pursuant to this court’s en banc decision in *State v. Delvallie*, 2022-Ohio-470, 185 N.E.3d 536 (8th Dist.).

{¶ 6} 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 appeal 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.

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LISA B. FORBES, JUDGE

FRANK DANIEL CELEBREZZE, III, P.J., and  
EILEEN A. GALLAGHER, J., CONCUR

N.B. The author of this opinion is constrained to apply *Delvallie*. For a full explanation, see *State v. Delvallie*, 2022-Ohio-470, 185 N.E.3d 536 (8th Dist.) (Forbes, J., dissenting).