

**COURT OF APPEALS OF OHIO**

**EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA**

STATE OF OHIO, :  
 :  
 Plaintiff-Appellant, :  
 : Nos. 112122 and 112123  
 v. :  
 :  
 AARON WILLIAMS, :  
 :  
 Defendant-Appellee. :

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**JOURNAL ENTRY AND OPINION**

**JUDGMENT: REVERSED AND REMANDED**  
**RELEASED AND JOURNALIZED: August 31, 2023**

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Criminal Appeal from the Cuyahoga County Court of Common Pleas  
Case Nos. CR-22-671331-A and CR-22-671337-A

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***Appearances:***

Michael C. O'Malley, Cuyahoga County Prosecuting  
Attorney, and Daniel T. Van, Assistant Prosecuting  
Attorney, *for appellant.*

Cullen Sweeney, Cuyahoga County Public Defender, and  
Noelle A. Powell, Assistant Public Defender, *for appellee.*

LISA B. FORBES, J.:

{¶ 1} Appellant, the state of Ohio (“the state”), appeals the trial court’s journal entry sentencing appellee Aaron Williams (“Williams”), to a definite prison term of three years. After reviewing the facts of the case and pertinent law, we

reverse and remand to the trial court for further proceedings consistent with this opinion.

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

{¶ 2} Williams pled guilty to attempted aggravated burglary, a second-degree felony in violation of R.C. 2923.02 and 2911.11(A)(1); attempted burglary, a second-degree felony in violation of R.C. 2923.02 and 2911.12(A)(2); and having weapons while under disability, a third-degree misdemeanor in violation of R.C. 2923.13(A)(3); as well as firearm and forfeiture specifications.

{¶ 3} On October 13, 2022, the trial court journalized an entry sentencing Williams to a definite prison term of three years. It is from this order that the state appeals.

## **II. Law and Analysis**

{¶ 4} In its sole assignment of error, the state asserts that “the trial court plainly erred when it did not reserve an indefinite sentence pursuant to S.B. 201.” In response, Williams argues that the trial court did not err because it “correctly found indefinite sentencing under S.B. 201 to be unconstitutional.” S.B. 201 is otherwise known as the Reagan Tokes Law.

{¶ 5} Pursuant the Ohio Supreme Court’s holding in *State v. Hacker*, the state’s sole assignment of error is sustained. *State v. Hacker*, Slip Opinion No. 2023-Ohio-2535, ¶ 40.

{¶ 6} Judgment reversed and remanded to the trial court for proceedings consistent with this opinion.

It is ordered that appellant recover from appellee 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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LISA B. FORBES, JUDGE

MICHELLE J. SHEEHAN, P.J., and  
MICHAEL JOHN RYAN, J., CONCUR