

[Cite as *State v. Bell*, 2023-Ohio-3154.]

**COURT OF APPEALS OF OHIO**

**EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA**

STATE OF OHIO, :  
 :  
 Plaintiff-Appellee, :  
 : No. 112234  
 v. :  
 :  
 MALACHI BELL, :  
 :  
 Defendant-Appellant. :

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**JOURNAL ENTRY AND OPINION**

**JUDGMENT: AFFIRMED**  
**RELEASED AND JOURNALIZED: September 7, 2023**

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Criminal Appeal from the Cuyahoga County Court of Common Pleas  
Case No. CR-22-668482-A

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***Appearances:***

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

Joseph V. Pagano, *for appellant*.

MICHELLE J. SHEEHAN, J.:

{¶ 1} Defendant-appellant, Malachi Bell, pled guilty to two counts of rape, felonies of the first degree (Counts 1 and 2), and one count of endangering children, a felony of the second degree (Count 5). Bell's girlfriend's 12-year-old daughter is

the victim in these offenses. Under the plea agreement, Bell and the state agreed to a recommended sentence of 20 years.

{¶ 2} Pursuant to the Reagan Tokes Law, the trial court imposed an indefinite sentence of a minimum prison term of eight years and a maximum prison term of 12 year on Count 1; eight years on Count 2; and four years on Count five. The court ordered these terms to be served consecutively.

{¶ 3} Bell now appeals. He raises a single assignment of error, claiming that the trial court erred in imposing an indefinite sentence pursuant to the Reagan Tokes Law. He argues that the Reagan Tokes Law is unconstitutional on its face in that it violates a defendant's constitutional right to a trial by jury, the separation-of-powers doctrine, and due process. In *State v. Hacker*, Slip Opinion No. 2023-Ohio-2535, the Supreme Court of Ohio addressed and rejected similar claims regarding the constitutionality of the Reagan Tokes Law and found the law constitutional. Pursuant to *Hacker*, we overrule Bell's sole assignment of error.

{¶ 4} 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. 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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MICHELLE J. SHEEHAN, JUDGE

KATHLEEN ANN KEOUGH, P.J., and  
EILEEN A. GALLAGHER, J., CONCUR