

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO,	:	
Plaintiff-Appellee,	:	
v.	:	No. 111899
TIMOTHY A. BELL,	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED

RELEASED AND JOURNALIZED: March 16, 2023

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-21-665320-A

Appearances:

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

Cullen Sweeney, Chief Public Defender, and Rick L. Ferrara, Assistant Public Defender, *for appellant*.

EILEEN A. GALLAGHER, J.:

{¶ 1} Defendant-appellant Timothy A. Bell (“Bell”) appeals the imposition of an indefinite sentence pursuant to a conviction for robbery in Cuyahoga C.P. No. CR-22-667283-A.¹

{¶ 2} Because this court in *State v. Delvallie* 2022-Ohio-470, 185 N.E.3d 536 (8th Dist.) (en banc), has addressed and overruled Bell’s arguments that S.B. 201 violates the doctrine of separation of powers, we affirm Bell’s convictions.

{¶ 3} Bell raised one assignment of error:

The trial court erred when it found S.B. 201 to be Constitutional and imposed an indefinite sentence pursuant to S.B. 201.

{¶ 4} In *Delvallie, supra*, this court sitting en banc overruled the arguments Bell presents in this appeal. As such, the sole assignment of error is overruled.

{¶ 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.

¹ Appellant’s notice of appeal incorporates a second case in which he entered a plea of guilty to drug possession in Cuyahoga C.P. No. CR-21-665320-A. In that case, he was sentenced to a term of one year which was ordered to be served concurrently to the sentence for robbery in Cuyahoga C.P. No. CR-22-667283-A. The Reagan Tokes Act does not apply to that sentence.

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
MICHAEL JOHN RYAN, J., CONCUR