

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE OF OHIO

C.A. No. 22CA0033-M

Appellee

v.

RANDY TUTTLE

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF MEDINA, OHIO
CASE No. 21CR0310

Appellant

DECISION AND JOURNAL ENTRY

Dated: August 14, 2023

STEVENSON, Judge.

{¶1} Appellant, Randy Tuttle, has appealed from his sentence by the Medina County Court of Common Pleas. This Court affirms Mr. Tuttle’s sentence based upon the Ohio Supreme Court’s decision in *State v. Hacker*, Slip Opinion No. 2023-Ohio-2535.

I.

{¶2} Following a no contest plea to one count of corrupting another with drugs in violation of R.C. 2925.02(A)(3)(C)(1), a second-degree felony, Mr. Tuttle was sentenced under the Reagan Tokes Act to an indefinite prison term of two to three years with credit for two-hundred sixty days served. Mr. Tuttle timely appealed to this Court, which, after briefing, stayed consideration of this matter pending the Supreme Court’s decision in two pending cases.

II.

{¶3} Mr. Tuttle’s single assignment of error argues that the Reagan Tokes Act is unconstitutional because it violates the doctrine of the separation of powers and deprives him of

his constitutional right to due process of law. The Ohio Supreme Court rejected these arguments and concluded that the Reagan Tokes Act is constitutional. *State v. Hacker*, Slip Opinion No. 2023-Ohio-2535. Mr. Tuttle's assignment of error is overruled.

III.

{¶4} Mr. Tuttle's assignment of error is overruled. The judgment of the Medina County Court of Common Pleas is affirmed.

Judgment affirmed.

There were reasonable grounds for this appeal.

We order that a special mandate issue out of this Court, directing the Court of Common Pleas, County of Medina, State of Ohio, to carry this judgment into execution. A certified copy of this journal entry shall constitute the mandate, pursuant to App.R. 27.

Immediately upon the filing hereof, this document shall constitute the journal entry of judgment, and it shall be file stamped by the Clerk of the Court of Appeals at which time the period for review shall begin to run. App.R. 22(C). The Clerk of the Court of Appeals is instructed to mail a notice of entry of this judgment to the parties and to make a notation of the mailing in the docket, pursuant to App.R. 30.

Costs taxed to Appellant.

SCOT STEVENSON
FOR THE COURT

CARR, P. J.
FLAGG LANZINGER, J.
CONCUR.

APPEARANCES:

KIMBERLY STOUT-SHERRER, Attorney at Law, for Appellant.

S. FORREST THOMPSON, Prosecuting Attorney, and VINCENT V. VIGLUICCI, Assistant
Prosecuting Attorney, for Appellee.