

STATE OF OHIO)
)ss:
COUNTY OF MEDINA)

IN THE COURT OF APPEALS
NINTH JUDICIAL DISTRICT

STATE OF OHIO

C.A. No. 22CA0089-M

Appellee

v.

JOSHUA D. BORN

APPEAL FROM JUDGMENT
ENTERED IN THE
COURT OF COMMON PLEAS
COUNTY OF MEDINA, OHIO
CASE No. 22 CR 0487

Appellant

DECISION AND JOURNAL ENTRY

Dated: September 5, 2023

FLAGG LANZINGER, Judge.

{¶1} Joshua Born appeals his sentence from the Medina County Court of Common Pleas.

This Court affirms Mr. Born’s sentence based upon the Ohio Supreme Court’s decision in *State v. Hacker*, Slip Opinion No. 2023-Ohio-2535.

I.

{¶2} A grand jury indicted Mr. Born on one count of aggravated trafficking in drugs in violation of R.C. 2925.03(A)(2), a second-degree felony under R.C. 2925.03(C)(1)(c). Mr. Born initially pleaded not guilty, but later changed his plea to no contest. The trial court accepted Mr. Born’s plea, found him guilty, and set the matter for sentencing.

{¶3} Pursuant to the Reagan Tokes Law, the trial court sentenced Mr. Born to an indefinite prison term consisting of a minimum term of two years and a maximum term of three years, with credit for time served. Mr. Born now appeals his sentence, raising one assignment of error for this Court’s review.

II.

ASSIGNMENT OF ERROR

THE TRIAL COURT ERRED BY IMPOSING AN INDEFINITE SENTENCE *
 * * PURSUANT TO R.C. 2901.11, ET AL. – THE REAGAN TOKES LAW,
 CONTRARY TO THE UNITED STATES AND OHIO CONSTITUTIONS.

{¶4} In his sole assignment of error, Mr. Born argues that the Reagan Tokes Law is unconstitutional because it violates the doctrine of the separation of powers and deprives him of his constitutional right to due process of law. In *Hacker*, the Ohio Supreme Court rejected these arguments and concluded that the Reagan Tokes Law is constitutional. *Hacker*, Slip Opinion No. 2023-Ohio-2535. Accordingly, Mr. Born’s assignment of error is overruled.

III.

{¶5} Mr. Born’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.

JILL FLAGG LANZINGER
FOR THE COURT

SUTTON, P. J.
HENSAL, J.
CONCUR.

APPEARANCES:

WESLEY JOHNSTON, Attorney at Law, for Appellant.

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