

[Cite as *State v. Daly*, 2022-Ohio-2610.]

COURT OF APPEALS  
LUCAS COUNTY, OHIO  
SIXTH APPELLATE DISTRICT

STATE OF OHIO

Plaintiff-Appellee

-vs-

DEREK DALY

Defendant-Appellant

JUDGES:

Hon. William B. Hoffman, P.J.

Hon. Patricia A. Delaney, J.

Hon. Earle E. Wise, Jr., J.

Sitting by Assignment by the Ohio Supreme  
Court

Case No. L-20-1163

OPINION

CHARACTER OF PROCEEDINGS:

Appeal from the Lucas County Court of  
Common Pleas, Case No. CR-19-2986

JUDGMENT:

Affirmed

DATE OF JUDGMENT ENTRY:

APPEARANCES:

For Plaintiff-Appellee

JULIA R. BATES  
Prosecuting Attorney  
Lucas County, Ohio

LAUREN CARPENTER  
Assistant Prosecuting Attorney  
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Toledo, Ohio 43604

For Defendant-Appellant

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*Hoffman, P.J.*

{¶1} Defendant-appellant Derek Daly appeals the judgment entered by the Lucas County Common Pleas Court convicting him following his plea of guilty to aggravated trafficking in drugs (R.C. 2925.03(A)(2),(C)(1)(d)) and sentencing him to a term of incarceration of five to seven and one-half years.

#### STATEMENT OF THE CASE<sup>1</sup>

{¶2} On August 6, 2020, Appellant entered a plea of guilty in the Lucas County Common Pleas Court to one count of aggravated trafficking in drugs in violation of R.C. 2925.03(A)(2),(C)(1)(d). Following a sentencing hearing, the trial court sentenced him pursuant to the Reagan Tokes Act to a term of incarceration of 5 to 7.5 years.

{¶3} Appellant filed an appeal. On March 4, 2021, this Court stayed the appeal pending the decision of the Ohio Supreme Court in *State v. Maddox*. The Ohio Supreme Court issued a decision in *Maddox* on March 16, 2022, and this Court lifted the stay in the instant case on March 22, 2022.

{¶4} It is from the August 6, 2020 judgment of the trial court Appellant prosecutes this appeal, assigning as error:

THE TRIAL COURT ERRONEOUSLY IMPOSED SENTENCE  
UNDER A PLAINLY UNCONSTITUTIONAL STATUTORY SCHEME,  
WHICH TRIAL COUNSEL INEFFECTIVELY FAILED TO OBJECT TO.

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<sup>1</sup> A rendition of the facts is unnecessary to our resolution of the issue raised on appeal.

{¶15} Appellant argues the Reagan Tokes Act is unconstitutional, and further argues counsel was ineffective for failing to raise the constitutionality of the Reagan Tokes Act in the trial court.

{¶16} For the reasons stated in this Court's prior decisions in *State v. Maddox*, 6th Dist. No. L-19-1253, 2022-Ohio-1350, 188 N.E.3d 682, *State v. Eaton*, 6th Dist. Lucas No. L-21-1121, 2022-Ohio-2432, and *State v. Gifford*, 6th Dist. Lucas No. L-21-1201, 2022-Ohio-1620, Appellant's assignment is overruled.

{¶17} The judgment of the Lucas County Common Pleas Court is affirmed.

By: Hoffman, P.J.  
Delaney, J. and  
Wise, Earle, J. concur

Sitting by Assignment by the  
Ohio Supreme Court

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HON. WILLIAM B. HOFFMAN

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HON. PATRICIA A. DELANEY

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HON. EARLE E. WISE, JR.

IN THE COURT OF APPEALS FOR LUCAS COUNTY, OHIO  
SIXTH APPELLATE DISTRICT

STATE OF OHIO	:	
	:	
Plaintiff-Appellee	:	
	:	
-vs-	:	JUDGMENT ENTRY
	:	
DEREK DALY	:	
	:	
Defendant-Appellant	:	Case No. L-20-1163

For the reason stated in our accompanying Opinion, the judgment of the Lucas County Court of Common Pleas, is affirmed. Costs assessed to Appellant.

Sitting by Assignment by the  
Ohio Supreme Court

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HON. WILLIAM B. HOFFMAN

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HON. PATRICIA A. DELANEY

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HON. EARLE E. WISE, JR.