

**IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
LAKE COUNTY**

STATE OF OHIO,

Plaintiff-Appellee,

- v -

ANTHONY T. WOODS,

Defendant-Appellant.

CASE NO. 2021-L-044

Criminal Appeal from the
Court of Common Pleas

Trial Court No. 2020 CR 000681

OPINION

Decided: November 7, 2022

Judgment: Affirmed

Charles E. Coulson, Lake County Prosecutor, and *Teri R. Daniel*, Assistant Prosecutor, Lake County Administration Building, 105 Main Street, P.O. Box 490, Painesville, OH 44077 (For Plaintiff-Appellee).

Vanessa R. Clapp, Lake County Public Defender, and *Melissa A. Blake*, Assistant Public Defender, 125 East Erie Street, Painesville, OH 44077 (For Defendant-Appellant).

JOHN J. EKLUND, J.

{¶1} Appellant, Anthony T. Woods, appeals his conviction after pleading guilty to one count of burglary.

{¶2} Appellant was indicted and charged with four counts arising from a burglary in Willoughby, Ohio on July 25, 2020. Pursuant to a plea agreement, three counts were dismissed and Appellant entered a guilty plea on one count of burglary, a felony of the second degree, in violation of R.C. 2911.12 (A)(2). Thereafter, the matter was set for sentencing.

{¶3} Prior to sentencing, Appellant moved the trial court to declare the Reagan Tokes Act, as applicable to his sentencing, unconstitutional. The trial court denied the motion. Appellant was sentenced to a prison term of four to six years.

{¶4} Appellant timely appealed. This court initially decided this case on September 13, 2021, holding that the constitutionality of the Reagan Tokes Law was not ripe for review. Appellant filed a motion to certify this a conflict case and this court granted the motion. The Ohio Supreme Court reversed and remanded for further proceedings consistent with its decision in *State v. Maddox*, Slip Opinion No. 2022-Ohio-764, which held constitutional challenges to the Reagan Tokes Law are ripe for review.

{¶5} Appellant raises five assignments of error, all of which challenge the constitutionality of the Reagan Tokes Sentencing Act.

{¶6} “[1.] The Defendant-Appellant’s constitutional challenges to the indeterminate prison sentence of four to six years that was ordered pursuant to the ‘Reagan Tokes Act,’ AKA Senate Bill 201, are ripe for review.

{¶7} [2.] The Defendant-Appellant’s indeterminate prison sentence of four to six years that was ordered pursuant to the ‘Reagan Tokes Act,’ AKA Senate Bill 201, must be reversed as the Reagan Tokes Act is unconstitutionally void for vagueness.

{¶8} [3.] The Defendant-Appellant’s indeterminate prison sentence of four to six years that was ordered pursuant to the ‘Reagan Tokes Act,’ AKA Senate Bill 201, must be reversed as the Reagan Tokes Act unconstitutionally violates the doctrine of separation of powers.

{¶9} [4.] The Defendant-Appellant’s indeterminate prison sentence of four to six years that was ordered pursuant to the ‘Reagan Tokes Act,’ AKA Senate Bill 201, violates

the constitutional right to trial by jury as guaranteed by the sixth and fourteenth amendments to the United States Constitution and Article I, Section 5 of the Ohio Constitution.

{¶10} [5.] The Defendant-Appellant’s indeterminate prison sentence of four to six years that was ordered pursuant to the ‘Reagan Tokes Act,’ AKA Senate Bill 201, violates his constitutional rights to fair trial and due process as guaranteed by the fifth, sixth and fourteenth amendments to the United States Constitution and Article I, Sections 5 & 10 of the Ohio Constitution.”

{¶11} As noted above, the Ohio Supreme Court recently held that constitutional challenges to the Reagan Tokes Law are ripe for review in *State v. Maddox, supra*.

{¶12} In his second through fifth assignments of error, Appellant makes several challenges to the constitutionality of the Reagan Tokes Law. Based on this court’s recent holdings in *State v. Reffitt*, 11th Dist. Lake Case No. 2021-L-129, 2022-Ohio-3371, and *State v. Joyce*, 11th Dist. Lake Case No. 2021-L-006, 2022-Ohio-3370, the challenges that Appellant advances against the constitutionality of the Reagan Tokes Law have previously been overruled. Appellant does not advance any novel argument left unaddressed by our prior decisions.

{¶13} Appellant’s second through fifth assignments of error are without merit.

{¶14} The judgment of the Lake County Court of Common Pleas is affirmed.

THOMAS R. WRIGHT, P.J.,

MARY JANE TRAPP, J.,

concur.