

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

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| STATE OF OHIO, | : | |
| Plaintiff-Appellee, | : | |
| v. | : | No. 111583 |
| DAISHIA WILLIAMS, | : | |
| Defendant-Appellant. | : | |

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED

RELEASED AND JOURNALIZED: February 9, 2023

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-20-652478-A

Appearances:

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

Allison S. Breneman, *for appellant*.

MICHELLE J. SHEEHAN, P.J.:

{¶ 1} Defendant-appellant Daishia Williams appeals the prison sentence imposed by the trial court after she pleaded guilty to felonious assault. She claims the trial court violated her constitutional rights by sentencing her under the Reagan

Tokes Law. Specifically, she argues the new sentencing law violates her right to a jury trial and due process, and also violates the doctrine of separation of powers. In *State v. Delvallie*, 2022-Ohio-470, 185 N.E.3d 536 (8th Dist.) (en banc), this court addressed and overruled these claims. Accordingly, we affirm Williams's sentence.

{¶ 2} The record in this case indicates Williams struck the victim with her vehicle, causing the victim to suffer injuries that resulted in surgery. Williams pleaded guilty to felonious assault as defined in R.C. 2903.11(A)(1), a felony of the second degree. The trial court sentenced her to an indefinite sentence of three to four-and-a-half years pursuant to the Reagan Tokes Law.

{¶ 3} In *Delvallie, supra*, this court sitting en banc found the Reagan Tokes Law constitutional and overruled the arguments Williams presents in this appeal. The trial court's imposition of an indefinite sentence was proper. Williams's sole assignment of error is overruled.

{¶ 4} Judgment affirmed.

It is ordered that appellee recover of 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. The defendant's conviction having been affirmed, any bail pending appeal is terminated. Case remanded to the trial court for execution of sentence.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

MICHELLE J. SHEEHAN, PRESIDING JUDGE

EILEEN T. GALLAGHER, J., and
SEAN C. GALLAGHER, J., CONCUR

N.B. Judge Eileen T. Gallagher joined the dissent by Judge Lisa B. Forbes in *Delvallie* and would have found that R.C. 2967.271(C) and (D) of the Reagan Tokes Law are unconstitutional.