

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-220585
	:	TRIAL NO. B-2106381
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
DERRICK OLVERSON	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.

Defendant-appellant Derrick Olverson was the subject of a three-count indictment. Count one charged him with trafficking in cocaine under R.C. 2925.03(A)(2). Count two charged him with possession of cocaine under R.C. 2925.11(A). Both of those counts had accompanying major-drug-offender specifications. Count three charged him with having weapons while under a disability under R.C. 2923.13(A)(3).

Under the terms of a plea agreement, Olverson pleaded guilty to counts one and three. In exchange, the state dismissed count two and both major-drug-offender specifications. The trial court sentenced Olverson to three years' imprisonment on count one and 24 months' imprisonment on count three, to be served concurrently. Under the Reagan Tokes Law set forth in R.C. 2901.011, the court sentenced him to an indefinite sentence of three years to four years and six months. This appeal followed.

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In his sole assignment of error, Olverson contends that the trial court erred in sentencing him to an indefinite term of imprisonment because the Reagan Tokes Law violates the United States and Ohio Constitutions. He argues that it violates the separation-of-powers doctrine, infringes upon his substantive and procedural due-process rights, and denies him the equal protection of the law. This assignment of error is not well taken.

In *State v. Hacker*, Slip Opinion No. 2023-Ohio-2535, the Ohio Supreme Court rejected the same arguments that Olverson now raises and held that the Reagan Tokes law is facially constitutional. This court had previously reached the same conclusion in *State v. Guyton*, 1st Dist. Hamilton No. C-190657, 2022-Ohio-2962, *appeal allowed*, 168 Ohio St.3d 1418, 2022-Ohio-3752, 196 N.E.3d 85. Consequently, we overrule Olverson's assignment of error and affirm the trial court's judgment.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27.

**CROUSE, P.J., WINKLER and KINSLEY, JJ.**

To the clerk:

Enter upon the journal of the court on August 30, 2023

per order of the court \_\_\_\_\_.  
Presiding Judge