

OHIO COURT OF APPEALS, SIXTH APPELLATE DISTRICT, LUCAS COUNTY

State v. Wilson

2026-Ohio-1166 · No. L-25-00130 · Decided April 8, 2026

SUMMARY

The Ohio Sixth District Court of Appeals affirmed Theodore Wilson’s convictions and concurrent sentences for burglary, gross sexual imposition, and pandering obscenity. The court held that the jointly recommended sentence was authorized by law under Ohio’s Reagan Tokes indefinite-sentencing scheme, including a seven-year minimum and ten-and-a-half-year maximum for burglary. Because the sentence was jointly recommended and imposed by the sentencing judge, appellate review under R.C. 2953.08(D)(1) was barred.

CASE DETAILS

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| COURT                 | Ohio Court of Appeals, Sixth Appellate District, Lucas County                                                                                                                                                                                                                                                                                                                                                                                                       |
| WRITING FOR THE COURT | Charles E. Sulek; Gene A. Zmuda; Myron C. Duhart                                                                                                                                                                                                                                                                                                                                                                                                                    |
| JURISDICTION          | Ohio Court of Appeals, Sixth Appellate District, Lucas County                                                                                                                                                                                                                                                                                                                                                                                                       |
| DECIDED               | April 8, 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| DOCKET                | L-25-00130                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Wilson appealed his felony sentence after pleading guilty pursuant to a plea agreement and receiving concurrent prison terms, including an indefinite seven-year minimum and ten-and-a-half-year maximum for burglary.                                                                                                                                                                                                                                              |
| STANDARD OF REVIEW    | Felony sentencing challenges are reviewed under R.C. 2953.08(G)(2), under which an appellate court may modify or vacate a sentence if it clearly and convincingly finds that the record does not support specified statutory findings or that the sentence is otherwise contrary to law. R.C. 2953.08(D)(1), however, bars review of a sentence that is authorized by law, jointly recommended by the defendant and prosecution, and imposed by a sentencing judge. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| PARTIES               | Theodore Wilson v. State of Ohio                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## TOPICS

sentencing plea bargaining appellate procedure standard of review criminal procedure

## PRACTICE AREAS

criminal law criminal procedure sentencing appellate procedure plea bargaining

## QUESTIONS PRESENTED

1. Whether the trial court imposed a sentence exceeding the parties' jointly recommended seven-year sentence by imposing a ten-and-a-half-year maximum term under the Reagan Tokes law.
2. Whether the sentence was reviewable under R.C. 2953.08(G)(2) despite the parties' joint recommendation.

## HOLDINGS

1. A sentence authorized by law, jointly recommended by the defendant and the prosecution, and imposed by a sentencing judge is not subject to appellate review under R.C. 2953.08(G)(2).
2. The ten-and-a-half-year maximum term did not violate the plea agreement because it was a legally required component of the jointly recommended seven-year indefinite sentence and the plea materials provided notice of the indefinite sentencing structure.

## KEY QUOTATIONS

“Accordingly, R.C. 2953.08(D)(1) bars appellate review of Wilson’s sentence under R.C. 2953.08.” (¶ 12)

## FACTUAL BACKGROUND

Wilson entered a woman's apartment through an open window while she was sleeping and engaged in sexual contact with her. Before leaving, he used the victim's phone to take a photograph of his genitals. He pleaded guilty to burglary, gross sexual imposition, and pandering obscenity after the State agreed to recommend a seven-year prison sentence, and the trial court imposed concurrent terms consisting of a seven-year minimum and ten-and-a-half-year maximum for burglary and 18-month terms for the other offenses.

## PROCEDURAL HISTORY

A Lucas County grand jury indicted Wilson on burglary, gross sexual imposition, and pandering obscenity charges. Wilson initially pleaded not guilty, then pleaded guilty to all three offenses under an agreement under which the State and Wilson jointly recommended a seven-year sentence. The Lucas County Court of Common Pleas imposed concurrent terms, including a seven-year minimum and ten-and-a-half-year maximum for burglary. Wilson timely appealed, arguing that the maximum term exceeded the agreed recommendation.

## DISPOSITION

affirmed

## CASES CITED

- State v. Billman, 2025-Ohio-211 (7th Dist.)

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