

OHIO COURT OF APPEALS, SIXTH APPELLATE DISTRICT, LUCAS
COUNTY

State v. Gaston

2026-Ohio-1590 · No. L-25-00220 · Decided May 1, 2026

SUMMARY

The Sixth District Court of Appeals of Ohio affirmed Lamar Gaston’s aggregate 48-month prison sentence following his no-contest pleas to third-degree felony robbery and burglary. The court held that Gaston’s challenge to the trial court’s consideration of Ohio sentencing statutes was not reviewable as framed, despite his characterization of the issue as constitutional.

CASE DETAILS

COURT	Ohio Court of Appeals, Sixth Appellate District, Lucas County
WRITING FOR THE COURT	Gene A. Zmuda; Thomas J. Osowik; Christine E. Mayle
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Lucas County
DECIDED	May 1, 2026
DOCKET	L-25-00220
DISPOSITION	affirmed
PROCEDURAL POSTURE	Lamar Gaston appealed his felony sentence after entering a no-contest plea to one count of robbery and one count of burglary, both third-degree felonies.
STANDARD OF REVIEW	The appellate court held that it was prohibited as a matter of law from reviewing whether the trial court properly considered R.C. 2929.11 and 2929.12 in selecting the sentence.
PRECEDENTIAL VALUE	published
PARTIES	Lamar Gaston v. State of Ohio

TOPICS

- sentencing
- appellate procedure
- criminal procedure
- due process
- standard of review

PRACTICE AREAS

- criminal sentencing
- Ohio appellate procedure
- constitutional criminal procedure

QUESTIONS PRESENTED

1. Whether the Sixth District could review Gaston's challenge to the trial court's consideration of the felony-sentencing purposes and seriousness and mitigation factors under R.C. 2929.11 and 2929.12.
2. Whether framing the sentencing challenge as a violation of the Fifth and Fourteenth Amendments to the United States Constitution and Article I, Section 16 of the Ohio Constitution permitted appellate review.
3. Whether the trial court erred by imposing a prison term rather than community control for the third-degree felony offenses.

HOLDINGS

1. The appellate court is prohibited as a matter of law from reviewing whether a trial court properly considered R.C. 2929.11 and R.C. 2929.12 when determining an appropriate sentence.
2. Characterizing a challenge to the trial court's sentencing determination as a due-process claim does not avoid the prohibition on appellate review when the substance of the claim challenges the prison-versus-community-control decision and the court's consideration of R.C. 2929.11 and R.C. 2929.12.

KEY QUOTATIONS

“Since 2020, we have consistently found that we are prohibited, as a matter of law, from reviewing whether the trial court’s consideration of R.C. 2929.11 and 2929.12 when determining the appropriate sentence was proper.” (¶ 3)

FACTUAL BACKGROUND

Gaston entered a no-contest plea to one count of robbery and one count of burglary, each a third-degree felony. The trial court imposed an aggregate 48-month prison term. On appeal, Gaston argued that the trial court should have imposed community control instead because of his documented mental-health issues and characterized the sentencing error as a due-process violation.

PROCEDURAL HISTORY

Gaston pleaded no contest to robbery and burglary and was sentenced by the Lucas County Court of Common Pleas to an aggregate 48-month prison term on September 3, 2025. The trial court memorialized the judgment on September 4, 2025. Gaston timely appealed, arguing that the prison sentence violated due process and that the court should have imposed community control because of his mental-health issues. The Sixth District placed the appeal on the accelerated calendar and affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Rowell, 2025-Ohio-4577, ¶ 3 (6th Dist.)
- State v. Jones, State v. Jones, 2020-Ohio-6729

OPINION

State v. Gaston

2026 Ohio 1590

PER CURIAM.

[Cite as State v. Gaston, 2026-Ohio-1590.]

IN THE COURT OF APPEALS OF OHIO

SIXTH APPELLATE DISTRICT

LUCAS COUNTY

State of Ohio Court of Appeals No. L-25-00220 Appellee Trial Court No. CR0202500596 v. Lamar Gaston DECISION AND JUDGMENT Appellant Decided: May 1, 2026 ***** Julia R. Bates, Prosecuting Attorney and Randy L. Meyer, Assistant Prosecuting Attorney, for appellee. Laurel A. Kendall, for appellant ***** ZMUDA, J. {¶ 1} We sua sponte place this matter on the accelerated calendar pursuant to App.R. 11.1(A), and this judgment entry is not an opinion of the court. See S.Ct.R.Rep.Op.3.1; App.R. 11.1(E); 6th Dist.Loc.App.R. 12. Having reviewed the record, we find appellant's single assignment of error not well-taken as a matter of law. {¶ 2} On September 3, 2025, appellant Lamar Gaston was sentenced to an aggregate 48-month prison term following his no contest plea on one count of robbery and one count of burglary, each a third-degree felony. The trial court's judgment was memorialized the following day. Appellant timely appealed and asserts the following error for our review: The trial court erred when it sentenced appellant, in violation of his due process rights under the fifth and fourteenth amendments to the U.S. Constitution and Section 16, Article I of the Ohio Constitution. In his argument, appellant fails to identify any portion of the record related to his due process rights. Instead, he argues that the trial court erred in imposing a prison term and should have placed him on community control in light of his documented mental health issues. {¶ 3} A trial court's determination as to whether to impose a prison term or order a defendant to serve a term of community control on a third-degree felony is governed by R.C. 2929.13(C). To reach that determination, the trial court is obligated to consider the purposes of felony sentencing described in R.C. 2929.11 and the seriousness and mitigation factors described in R.C. 2929.12. Since 2020, we have consistently found that we are prohibited, as a matter of law, from reviewing whether the trial court's consideration of R.C. 2929.11 and 2929.12 when determining the appropriate sentence was proper. State v. Rowell, 2025-Ohio-4577, ¶ 3 (6th Dist.), citing State v. Jones, 2020- Ohio-6729. Appellant's assigned error, despite its framing as a constitutional issue, falls within this prohibition and, therefore, we find it not well-taken. Pursuant to App.R. 2. 12(B), we affirm the September 4, 2025 judgment of the Lucas County Court of Common Pleas. {¶ 4} Appellant is ordered to pay the costs of this appeal pursuant to App.R. 24. Judgment affirmed. A certified copy of this entry shall constitute the mandate pursuant to App.R. 27. See also 6th Dist.Loc.App.R. 4. Thomas J. Osowik, P.J.

JUDGE

Christine E. Mayle, J.

JUDGE

Gene A. Zmuda, J.

CONCUR. JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at: <http://www.supremecourt.ohio.gov/ROD/docs/>. 3.