

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,
CUYAHOGA COUNTY

State v. Wilson

2026-Ohio-929 · No. 115162 · Decided March 19, 2026

SUMMARY

The Ohio Eighth District Court of Appeals vacated Sha’lon Wilson’s sentence and remanded for resentencing. The court held that the plea agreement’s jointly recommended sentencing range was not clearly communicated at sentencing and that the trial court did not expressly indicate whether it was accepting or rejecting the recommendation. The court also found ineffective assistance of counsel based on defense counsel’s failure to object to the alleged breach of the plea agreement.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Sean C. Gallagher, Presiding Judge; Deena R. Calabrese, Judge; Eileen A. Gallagher, Judge
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	March 19, 2026
DOCKET	115162
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Wilson appealed from the sentence imposed after she pleaded guilty pursuant to a plea agreement containing a jointly recommended sentencing range.
STANDARD OF REVIEW	The court reviewed the plea-agreement and sentencing issues on appeal and applied the Strickland standard to the ineffective-assistance claim.
PRECEDENTIAL VALUE	Published and precedential Ohio Court of Appeals decision
PARTIES	Sha’lon Wilson v. State of Ohio

TOPICS

- plea bargaining
- sentencing
- ineffective assistance
- due process
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the State violated the plea agreement by failing to accurately state the jointly recommended sentencing range at sentencing.
2. Whether the trial court erred by imposing a sentence that exceeded the sentence contemplated by the plea agreement without expressly stating whether it accepted or rejected the jointly recommended sentence.
3. Whether the sentence was supported by the record.
4. Whether trial counsel was ineffective for failing to object when the State allegedly violated the plea agreement at sentencing.

HOLDINGS

1. The State's failure to fully set forth the jointly recommended sentencing range, including whether it incorporated Reagan Tokes tail time and the firearm specification, arguably contravened the plea agreement and contributed to an unclear sentencing record.
2. Although a trial court is not bound by a plea agreement or jointly recommended sentence, when a jointly recommended sentence forms the basis of the plea, the court must expressly indicate whether it is accepting or rejecting that recommendation and, if rejecting it, should allow the defendant to reconsider the plea.
3. Wilson established ineffective assistance of counsel because counsel's failure to object at sentencing was objectively unreasonable and prejudiced her.
4. The court did not decide the third assignment of error because it was rendered moot by the vacatur and remand.

KEY QUOTATIONS

“Judges in Ohio are not bound by plea agreements or jointly recommended sentences” and “are free to reject both.” (¶ 14)

“When a trial court decides not to impose the agreed, recommended sentence, it should clearly advise a defendant of its intentions, and allow the defendant to reconsider his [or her] plea.” (¶ 20)

“With regard to an agreed sentence that forms the basis of the plea, the sentence itself is part of the quid pro quo for the agreed plea. Although the trial judge is free to accept or reject that agreement, it is incumbent upon the court to do so expressly.” (¶ 25)

FACTUAL BACKGROUND

Wilson was charged with offenses arising from an alleged drive-by shooting in which a gunshot was fired into a home. She entered guilty pleas to amended firearm-discharge and intimidation charges under an agreement that included a jointly recommended sentencing range of three to seven years, stated to include Reagan Tokes time.

At sentencing, the State requested the high end of that range without clarifying whether the range included the Reagan Tokes tail or the firearm specification, and the trial court imposed a sentence exceeding the apparent seven-year agreed range without expressly stating whether it accepted or rejected the recommendation.

PROCEDURAL HISTORY

Wilson was indicted in the Cuyahoga County Court of Common Pleas, later entered guilty pleas to amended charges under a plea agreement, and was sentenced to one year on a firearm specification consecutive to an indefinite seven-to-ten-and-one-half-year sentence on the base charge, plus a concurrent 36-month sentence on another count. The State had described the recommended range as three to seven years, including Reagan Tokes time, but did not clarify those calculations at sentencing. The Court of Appeals vacated the sentence and remanded for resentencing.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must resentence Wilson, with the plea agreement and the jointly recommended sentencing range clearly stated and with the trial court expressly indicating whether it accepts or rejects the recommendation. If the court rejects the jointly recommended sentence, Wilson must be allowed to reconsider her plea.

CASES CITED

- State v. Smith at ¶ 35
- State v. Legree, 61 Ohio App.3d 568, 573 (6th Dist. 1988)
- State v. Grove, 2016-Ohio-2721, ¶ 36 (8th Dist.)
- State v. Brunning, 2013-Ohio-930, ¶ 9 (8th Dist.)
- State v. Brentlinger (In re Navarre), 2024-Ohio-3336, ¶ 28
- State v. Underwood, 2010-Ohio-1, ¶ 28
- State v. Buchanan, 2003-Ohio-4772, ¶ 13
- State v. Jordan, 2024-Ohio-2361, ¶ 30 (8th Dist.)
- State v. Swortchek, 2020-Ohio-2831, ¶ 25
- State v. Huffman, 2018-Ohio-1192, ¶ 20 (8th Dist.)
- Strickland v. Washington, 466 U.S. 668, 686 (1984)