

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT

State v. Tate

2026-Ohio-1636 · No. CT2025-0108 · Decided May 5, 2026

SUMMARY

The Ohio Fifth District Court of Appeals affirmed Jason Tate's convictions and sentence for drug trafficking, drug possession, and having weapons under disability. The court rejected Tate's claim that trial counsel provided ineffective assistance by pursuing unsuccessful suppression motions, mishandling discovery, and failing to secure acceptance of a 20-year plea offer. The court found no deficient performance or prejudice, including no evidence that the trial court would have accepted the proposed plea terms or imposed a more lenient sentence.

CASE DETAILS

COURT	Ohio Court of Appeals, Fifth Appellate District
WRITING FOR THE COURT	Andrew J. King, P.J.; William B. Hoffman, J.; Craig R. Baldwin, J.
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Muskingum County
DECIDED	May 5, 2026
DOCKET	CT2025-0108
DISPOSITION	affirmed
PROCEDURAL POSTURE	Jason Tate appealed his convictions and sentence from the Muskingum County Court of Common Pleas, arguing that trial counsel rendered ineffective assistance in pursuing suppression litigation, handling discovery, and failing to advise him to accept a plea offer.
STANDARD OF REVIEW	The court applied the Strickland two-part test for ineffective assistance of counsel, requiring deficient performance and resulting prejudice.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Jason Tate v. State of Ohio

TOPICS

- ineffective assistance
- plea bargaining
- suppression of evidence
- criminal procedure
- appellate procedure

PRACTICE AREAS

- criminal procedure
- criminal defense
- appellate practice

QUESTIONS PRESENTED

1. Whether trial counsel rendered ineffective assistance by pursuing allegedly meritless suppression claims.
2. Whether trial counsel rendered ineffective assistance by misunderstanding Crim.R. 16(D) and thereby contributing to the withdrawal of the State's 20-year plea offer.
3. Whether Tate demonstrated prejudice from counsel's alleged plea-related errors.

HOLDINGS

1. Counsel's decision to file and pursue suppression motions did not constitute ineffective assistance because Tate identified no suppression theory with a reasonable chance of success, and unsuccessful tactical or strategic decisions do not generally establish deficient performance.
2. Tate failed to establish ineffective assistance arising from counsel's handling of discovery and the withdrawn plea offer because he did not demonstrate a reasonable probability that the trial court would have accepted the plea agreement or imposed a more lenient sentence.

KEY QUOTATIONS

"Reasonable probability" is "probability sufficient to undermine confidence in the outcome." (¶ 13)

"It is well settled that tactical or strategic trial decisions, even if unsuccessful, do not generally constitute ineffective assistance." (¶ 15)

FACTUAL BACKGROUND

A confidential informant conducted a controlled purchase of cocaine from Tate after negotiating the transaction through Snapchat, with law enforcement recording and surveilling the transaction. Based on the controlled buy, officers obtained and executed search warrants for Tate's home, vehicle, and phone, discovering cocaine, methamphetamine, cash, weapons, and documents linking Tate to the property. The State initially offered a 20-year sentence, but withdrew the offer before defense counsel received full discovery. Tate ultimately entered no-contest pleas to selected drug-trafficking and weapons-under-disability charges and received an indefinite sentence of 23 to 28.5 years.

PROCEDURAL HISTORY

A Muskingum County grand jury indicted Tate on drug-trafficking, drug-possession, weapons-under-disability, and receiving-stolen-property charges, with firearm, major-drug-offender, and forfeiture specifications. After the State withdrew a proposed 20-year plea offer and filed a superseding indictment, Tate moved to suppress evidence. The trial court denied the motion, Tate entered no-contest pleas to selected charges, the State dismissed the remaining charges, and the court imposed an indefinite sentence of 23 to 28.5 years. The Ohio Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Strickland v. Washington, 466 U.S. 668, 687-688, 694 (1984)
- State v. Bradley, 42 Ohio St.3d 136 (1989)
- State v. Carter, 72 Ohio St.3d 545, 558 (1995)
- State v. Lytle, 48 Ohio St.2d 391, 396 (1976)
- Franks v. Delaware, 438 U.S. 154
- Lafler v. Cooper, 566 U.S. 156, 164

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