

OHIO FIRST DISTRICT COURT OF APPEALS

State v. Tate

2026-Ohio-2067 · No. C-250351 · Decided June 3, 2026

SUMMARY

The Ohio First District Court of Appeals affirmed Tony Tate’s convictions and agreed 11-year sentence. The court held that the invited-error doctrine does not bar review of an agreed sentence that is unauthorized by law, but concluded that imposing consecutive sentences on two firearm specifications did not constitute plain error warranting relief. The court also rejected Tate’s ineffective-assistance claim based on counsel’s failure to file a speedy-trial motion.

CASE DETAILS

COURT	Ohio First District Court of Appeals
WRITING FOR THE COURT	Crouse, Presiding Judge; Bock, Judge; Nestor, Judge
JURISDICTION	Ohio First District Court of Appeals, Hamilton County
DECIDED	June 3, 2026
DOCKET	C-250351
DISPOSITION	affirmed
PROCEDURAL POSTURE	Tate appealed by delayed appeal from the Hamilton County Court of Common Pleas' dismissal of his postconviction-relief petition. He challenged the consecutive sentences imposed on two firearm specifications and claimed ineffective assistance for failure to file a speedy-trial motion.
STANDARD OF REVIEW	Because Tate did not object to the consecutive firearm-specification sentences below, the court reviewed that issue for plain error under Crim.R. 52(B). Ineffective-assistance claims were reviewed under the Strickland standard, requiring deficient performance and resulting prejudice. The court also applied R.C. 2953.08(D)(1) to determine whether the agreed sentence was authorized by law and appealable.
PRECEDENTIAL VALUE	Published precedential opinion of the Ohio First District Court of Appeals
PARTIES	Tony Tate v. State of Ohio

TOPICS

sentencing

criminal procedure

appellate procedure

plain meaning rule

ineffective assistance

PRACTICE AREAS

criminal procedure

sentencing

post-conviction relief

appellate procedure

ineffective assistance

QUESTIONS PRESENTED

1. Whether an agreed sentence that is not authorized by law may be challenged on appeal despite the invited-error doctrine and R.C. 2953.08(D)(1).
2. Whether former R.C. 2929.14(B)(1)(b) prohibited the trial court from imposing more than one prison term for firearm specifications accompanying felonies committed as part of the same act or transaction.
3. Whether the trial court's unlawful imposition of consecutive sentences on the two firearm specifications constituted reversible plain error.
4. Whether trial counsel was ineffective for failing to file a motion to dismiss based on an alleged speedy-trial violation.

HOLDINGS

1. The invited-error doctrine does not bar a defendant from challenging an agreed sentence that was not authorized by law. Under R.C. 2953.08(D)(1), an agreed sentence is insulated from appellate review only when it is authorized by law.
2. Because the trial court had subject-matter and personal jurisdiction, any sentencing error rendered the sentence voidable rather than void.
3. The trial court erred by imposing more than one prison term on the firearm specifications because the underlying aggravated-assault felonies were committed as part of the same act or transaction, and no party asserted that the statutory exception in former R.C. 2929.14(B)(1)(g) applied.
4. The sentencing error was obvious, but it did not warrant reversal as plain error because Tate failed to establish prejudice and did not demonstrate exceptional circumstances requiring correction to prevent a manifest miscarriage of justice.
5. Trial counsel was not ineffective for failing to file a motion to dismiss on speedy-trial grounds because the challenged continuances were properly chargeable to Tate and a motion to dismiss would not have been successful.

KEY QUOTATIONS

“sentences based on an error are voidable, if the court imposing the sentence has jurisdiction over the case and the defendant.” (¶ 18)

“we hold that the invited-error doctrine does not bar an appellant’s challenge to an agreed sentence that was not authorized by law.” (¶ 29)

“To prevail under the plain-error doctrine, an appellant must show (1) “that an error occurred,” (2) “that the error was obvious,” and (3) “that there is a reasonable probability that the error resulted in prejudice,

meaning that the error affected the outcome of the trial.”” (¶ 37)

“The continuances requested from October 5, 2022, until January 19, 2023, were thus properly charged to Tate pursuant to R.C. 2945.72(B) and (H).” (¶ 55)

FACTUAL BACKGROUND

Tate was charged after allegedly shooting and seriously injuring three people, including an innocent bystander, while possessing a concealed handgun. After numerous continuances, including continuances related to competency and requested by Tate or his counsel, Tate pleaded guilty to reduced aggravated-assault charges, two firearm specifications, and carrying a concealed weapon. The trial court imposed the jointly recommended 11-year aggregate sentence, including consecutive three-year terms for the two firearm specifications.

PROCEDURAL HISTORY

Tate pleaded guilty to three reduced aggravated-assault counts, two firearm specifications, and carrying a concealed weapon pursuant to an agreed aggregate 11-year sentence. The trial court imposed the jointly recommended sentence. Tate later filed a postconviction petition, which the trial court dismissed as barred by res judicata; the First District affirmed that dismissal in *State v. Tate*, 2025-Ohio-1638. The First District subsequently granted Tate leave to file a delayed appeal, and in this appeal affirmed the trial court's judgment.

DISPOSITION

affirmed

CASES CITED

- *State v. Henderson*, 2020-Ohio-4784, ¶ 27
- *State v. Tate*, 2025-Ohio-1638, ¶ 7 (1st Dist.)
- *State v. Porterfield*, 2005-Ohio-3095, ¶ 25
- *State v. Champion*, 2022-Ohio-3146, ¶¶ 10-14 (1st Dist.)
- *State v. Williams*, 2016-Ohio-376, ¶ 4 (1st Dist.)
- *State v. Cephas*, 2019-Ohio-52, ¶ 24 (1st Dist.)
- *State v. Reeder*, 2025-Ohio-110, ¶¶ 4, 10-13 (8th Dist.)
- *State v. Savage*, 2015-Ohio-4205, ¶ 14 (4th Dist.)
- *State v. Brown*, 2016-Ohio-310, ¶¶ 3, 11-12, 20 (1st Dist.)
- *State v. Williams*, 2020-Ohio-1368, ¶ 16 (1st Dist.)
- *State v. Russ*, 2006-Ohio-6824, ¶¶ 25-26 (1st Dist.)
- *State v. French*, 2007-Ohio-726, ¶¶ 25-27 (1st Dist.)
- *State v. Rogers*, 2015-Ohio-2459, ¶ 21
- *State v. Williams*, 2025-Ohio-1345, ¶ 45 (1st Dist.)
- *State v. Bailey*, *State v. Bailey*, 2022-Ohio-4407, ¶ 8
- *State v. Samueal*, 2023-Ohio-3322, ¶ 17 (1st Dist.)

- State v. Long, 53 Ohio St.2d 91 (1978), paragraph three of the syllabus
- State v. Gray, 2025-Ohio-4607, ¶ 36 (1st Dist.)
- State v. Rohrbaugh, 2010-Ohio-3286, ¶ 7
- Strickland v. Washington, 466 U.S. 668, 687-694 (1984)
- State v. Bradley, 42 Ohio St.3d 136, 141-142 (1989)
- State v. Mango, 2016-Ohio-2935, ¶ 18 (8th Dist.)
- State v. Bullucks, 2018-Ohio-2159, ¶ 21 (1st Dist.)
- State v. Mitchell, 2023-Ohio-724, ¶ 24 (1st Dist.)
- State v. Taylor, 2002-Ohio-7017, ¶ 33
- State v. Feltha, 2017-Ohio-8640, ¶ 12 (1st Dist.)