

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

State v. Parker

2026-Ohio-2178 · No. No. 115039 · Decided June 11, 2026

SUMMARY

The Ohio Eighth District Court of Appeals affirmed Nathan Parker’s convictions, including participation in a criminal gang, firearm specifications, and related offenses. The court held that sufficient evidence supported the gang-participation conviction, rejected the claimed plain error regarding the jury instruction on active participation, and found no ineffective assistance of counsel.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Sean C. Gallagher, J.; Mary J. Boyle, P.J.; Timothy W. Clary, J.
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	June 11, 2026
DOCKET	No. 115039
DISPOSITION	affirmed
PROCEDURAL POSTURE	Nathan Parker appealed his convictions, including his conviction for participating in a criminal gang under Ohio Revised Code section 2923.42(A), challenging the sufficiency of the evidence, the jury instructions, and the effectiveness of trial counsel.
STANDARD OF REVIEW	For sufficiency of the evidence, the court viewed the evidence in the light most favorable to the prosecution and asked whether any rational trier of fact could have found the essential elements proven beyond a reasonable doubt. The court reviewed the jury instructions as a whole and the entire record for plain error, requiring an error that was plain and affected substantial rights. Ineffective-assistance claims were reviewed under Strickland v. Washington for deficient performance and prejudice.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Nathan Parker v. State of Ohio

TOPICS

criminal procedure

standard of review

ineffective assistance

appellate procedure

due process

PRACTICE AREAS

criminal law

criminal procedure

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. Whether sufficient evidence supported Parker's conviction for participating in a criminal gang under Ohio Revised Code section 2923.42(A), including evidence of active participation and a connection between Parker's conduct and the gang's criminal activity.
2. Whether the trial court committed plain error by failing to give a clarifying jury instruction that Parker's participation in the gang had to be more than passive or nominal.
3. Whether trial counsel provided ineffective assistance by failing to request a jury instruction concerning active participation.

HOLDINGS

1. The conviction under Ohio Revised Code section 2923.42(A) was supported by sufficient evidence because the State presented evidence from which a rational trier of fact could find the essential elements of participating in a criminal gang beyond a reasonable doubt, including Parker's active rather than merely passive or nominal participation and his purposeful involvement in criminal conduct.
2. The trial court did not commit plain error by failing to give a separate clarifying instruction that active participation must be more than passive or nominal because the court properly instructed the jury on the statutory elements, and Parker failed to show an obvious error affecting the outcome or a manifest miscarriage of justice.
3. Parker did not establish ineffective assistance of counsel because the trial court did not err in its active-participation instruction and Parker failed to show either deficient performance or prejudice.

KEY QUOTATIONS

“Upon our review of the record and after viewing the testimony and evidence presented in a light most favorable to the prosecution, we find that the State presented sufficient evidence upon which a rational trier of fact could have found the essential elements of the crime of participating in a criminal gang were proven beyond a reasonable doubt.”

FACTUAL BACKGROUND

The State presented evidence that Parker actively participated in the 237 criminal gang through group chats, videos, livestreams, photographs, social-media communications, gang-related symbols and clothing, and interactions with other gang members. Evidence also linked Parker to criminal conduct associated with the gang, including a robbery, fleeing from police, possession of stolen vehicles and firearms, and other gang-related activity. The jury convicted Parker of participating in a criminal gang and numerous other offenses and specifications, and the trial court imposed an aggregate 36-year sentence.

PROCEDURAL HISTORY

Parker and five other defendants were charged in a multicount indictment. After a joint trial involving Parker and one codefendant, the trial court dismissed several counts on a defense Criminal Rule 29 motion and at the State's request; the jury acquitted Parker on several counts and convicted him on numerous others, including participating in a criminal gang and related firearm and forfeiture specifications. The trial court imposed an aggregate 36-year sentence. The Court of Appeals affirmed the judgment of conviction and remanded for execution of sentence.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The common pleas court is directed to execute the sentence. A special mandate shall issue, and bail pending appeal is terminated.

CASES CITED

- State v. Jenks, 61 Ohio St.3d 259 (1991)
- State v. Shabazz, 2016-Ohio-1055, ¶ 18
- State v. Brown, 2025-Ohio-5854, ¶ 44 (8th Dist.)
- State v. Jordan, 2023-Ohio-3800, ¶ 16
- State v. Montgomery, 2016-Ohio-5487, ¶ 74
- State v. Nicholson, 2022-Ohio-2037, ¶ 20 (8th Dist.)
- State v. Roberson, 2017-Ohio-4339, ¶ 72 (6th Dist.)
- State v. Roberson, 2017-Ohio-4339, ¶ 83
- State v. Nicholson, 2022-Ohio-2037, ¶¶ 24-25
- State v. Reed, 2026-Ohio-687, ¶¶ 35-42 (5th Dist.)
- State v. Brinkman, 2022-Ohio-2550, ¶ 45
- State v. Rogers, 2015-Ohio-2459, ¶ 22
- State v. Nicholson, 2022-Ohio-374, ¶ 37 (8th Dist.)
- State v. Long, 53 Ohio St.2d 91 (1978), paragraph three of the syllabus
- State v. Nicholson, 2022-Ohio-374, ¶ 39 (8th Dist.)
- State v. Wamsley, 2008-Ohio-1195, ¶ 17
- Strickland v. Washington, 466 U.S. 668, 687 (1984)