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Ohio Fifth District Court of Appeals Case Summaries

Case Caption	Case No(s)	Character of Proceeding	Judgment	Topics and Issues	Author	Date of Judgment Entry
State v. Tate	CT2025-0108	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0504	Affirmed	Ineffective assistance of trial counsel Jason Tate appealed his conviction and 23–28.5 year sentence for multiple drug trafficking, possession, and weapons offenses in Muskingum County, arguing his trial counsel was ineffective for pursuing unsuccessful suppression motions and failing to secure acceptance of a prior 20-year plea offer. The case arose from a controlled cocaine buy arranged through a confidential informant, followed by search warrants that uncovered large amounts of drugs, cash, and weapons. Although counsel challenged the warrants and the State's delayed discovery disclosures, the trial court denied suppression, and Tate later entered no-contest pleas to several charges. On appeal, the court held that counsel's decision to file suppression motions was a reasonable strategic effort given the strong evidence, and that Tate failed to show prejudice regarding the withdrawn plea offer—particularly because there was no indication the trial court would have accepted the agreement or imposed a lesser sentence. Concluding that Tate did not meet the standard for ineffective assistance of counsel, the appellate court affirmed the trial court's judgment.	King	5/5/2026
State v. Grant	CT2025-0103	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0367	Affirmed	Sentencing Alberta Grant appealed the aggregate 108-month prison sentence imposed after she pled guilty to multiple counts of child endangerment and obstructing justice, arguing the trial court erred by imposing maximum consecutive sentences. The charges stemmed from Grant allowing her father, a registered sex offender, to live in her home and have access to her children, despite knowing he sought a sexual relationship with her young daughter, T.G., and later lied repeatedly to law enforcement to conceal his conduct, which ultimately resulted in the child's sexual abuse. The trial court sentenced Grant to concurrent jail time on misdemeanor counts and consecutive 36-month prison terms on three felony counts, finding the sentence necessary to protect the public and proportionate to the seriousness of her actions. On appeal, the court held that the trial court properly considered the statutory sentencing factors, made the required findings for consecutive sentences, and imposed terms within the legal range. Concluding that the record supported the sentence and it was not contrary to law, the appellate court affirmed the trial court's decision.	Baldwin	5/5/2026
State v. Hess	2025 CA 00071	Appeal from the Licking County Court of Common Pleas, Case No. 2025 CR 00105	Affirmed	Consecutive Sentences - Record Clearly and Convincingly Supports Trial Court's Imposition of Consecutive Sentences Kortlan J. Hess appealed his conviction and aggregate sentence of 15 to 19 years in prison after pleading guilty to 15 drug-related offenses and weapons charges, arguing the trial court erred in imposing consecutive sentences not supported by the record. The charges arose from controlled drug buys, subsequent searches, and Hess's admissions to regularly selling significant quantities of drugs, which led to the discovery of large amounts of methamphetamine, fentanyl mixtures, and other substances, as well as a firearm. The trial court merged several counts and imposed consecutive sentences on key offenses, citing the need to protect the public, punish Hess, and account for his criminal history and the fact that he committed the offenses while under supervision. On appeal, the court found no plain error, concluding the trial court made the required statutory findings and that the record—including Hess's extensive criminal history and repeated incarcerations—supported those findings. Accordingly, the appellate court affirmed the trial court's judgment.	Hoffman	5/5/2026
State v. Cunningham	CT2025-0099	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2025-0391	Affirmed	Sentencing Ohio defendant-appellant Donald Cunningham appealed his convictions and sentence from the Muskingum County Court of Common Pleas after a jury found him guilty of tampering with evidence and obstructing official business, though acquitting him of strangulation, kidnapping, and abduction charges stemming from an altercation with his roommate, T.M. Evidence at trial showed Cunningham deleted data from a phone and misled police while they sought video footage related to the incident, and he admitted attempting to avoid police and provoking officers during his arrest. The trial court sentenced him to consecutive prison terms totaling four years, emphasizing his deception, destruction or concealment of evidence, criminal history, and dangerous conduct during the arrest. On appeal, Cunningham argued the trial court improperly weighed the sentencing factors under Ohio law and speculated about the deleted video evidence. The appellate court rejected those arguments, finding the sentence was within the statutory range, that the trial court properly considered the sentencing statutes under R.C. 2929.11 and 2929.12, and that the court did not improperly shift the burden of proof or rely on speculation. The appellate court therefore affirmed Cunningham's convictions and sentence.	Popham	5/6/2026



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State v. Dilts	25CA000011	Appeal from the Knox County Mount Vernon Municipal Court, Case No. 2024 CRB 0218	Affirmed	Abuse of discretion; Crim.R. 32.1; Motion to withdraw plea; Post-sentence; Manifest injustice; Clear or openly unjust act Defendant-Appellant Phillip Dilts challenged the Mount Vernon Municipal Court's denial of his post-sentence motion to withdraw his no contest pleas to two counts of domestic violence. Dilts argued that testimony presented during a later civil protection order hearing constituted newly discovered evidence showing that his daughter had physically confronted him and taken his car keys, which he claimed would have affected the outcome of the criminal case. The Fifth District Court of Appeals affirmed the trial court's decision, finding that Dilts failed to demonstrate the "manifest injustice" required under Crim.R. 32.1 to withdraw a plea after sentencing. The court noted that the information relied upon by Dilts had already been disclosed during discovery before he entered his pleas, including evidence that his daughter intervened during the incident and that family members removed his keys because he had been drinking and threatened self-harm. The court also emphasized Dilts's nearly one-year delay in filing the motion, concluding that the trial court did not abuse its discretion in denying relief.	Montgomery	5/7/2026
State v. Streeter	2025CA00111	Appeal from the Stark County Court of Common Pleas, Case No. 2025CR0634	Affirmed	Possession of cocaine; Trafficking in cocaine; Motion to suppress; De novo review; Traffic stops based on traffic code violation; Probable cause; Reasonable suspicion; Collective knowledge doctrine; Sufficiency of the evidence; Manifest weight of the evidence Defendant-Appellant Prince Streeter challenged the denial of his motion to suppress evidence and his convictions for possession and trafficking of cocaine following a traffic stop in Stark County. The Fifth District Court of Appeals affirmed the convictions, holding that the traffic stop was lawful because Detective Matthew Kruger personally observed the vehicle commit an improper turn into oncoming traffic and relayed that information to the stopping officer under the collective knowledge doctrine, giving police probable cause to initiate the stop. During the stop, officers felt a brick-like object in Streeter's hoodie pocket, which he claimed was his lunch, but he later fled on foot and was apprehended after officers discovered the pocket turned inside out and a large brick of cocaine discarded nearby. The cocaine weighed approximately 249 grams and was valued at about \$25,000. The court found that the circumstantial evidence overwhelmingly supported the conclusion that Streeter possessed the cocaine and intended to distribute it, noting the quantity, packaging, and officer testimony regarding typical trafficking amounts. The appellate court concluded that the convictions were supported by sufficient evidence and were not against the manifest weight of the evidence, affirming the judgment of the Stark County Court of Common Pleas.	Montgomery	5/7/2026
In re D.T.	2025CA00186	Appeal from the Stark County Court of Common Pleas, Family Court Division, Case No. 2024JCV00515	Affirmed	Permanent custody; Mother's appeal In this appeal, mother A.M. challenged the Stark County Family Court's decision terminating her parental rights to her son, D.T. Jr., and granting permanent custody to the Stark County Department of Job and Family Services. The Fifth District Court of Appeals affirmed the judgment, rejecting mother's claims that her due process rights were violated and that the evidence did not support permanent custody. The court found that although the agency's motion did not specifically cite the "12 of 22 months" custody provision under R.C. 2151.414(B)(1)(d), the case history and testimony provided sufficient notice, and any error was harmless because the trial court also properly determined the child could not be placed with mother within a reasonable time. The evidence showed mother repeatedly failed to comply with her case plan, including inconsistent substance abuse and mental health treatment, frequent positive drug tests for methamphetamine, cocaine, amphetamines, and THC, missed drug screenings, homelessness, and instability throughout the case. The court further concluded that permanent custody was in the child's best interest, noting the child was thriving in foster care, needed a stable and permanent home through adoption, and that both the caseworker and guardian ad litem supported permanent custody. The appellate court held that the trial court's findings were supported by clear and convincing evidence and were not against the manifest weight of the evidence.	King	5/7/2026