[Cite as *State v. Johnson*, 2026-Ohio-4613.]

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-250594 TRIAL NO. B-2400591-A
Plaintiff-Appellee,	:	
vs.	:	*JUDGMENT ENTRY*
JASHAWN JOHNSON,	:	
Defendant-Appellant.	:	

This cause was heard upon the appeal, the record, and the briefs.

For the reasons set forth in the Opinion filed this date, the judgment of the trial court is affirmed in part and reversed in part, and the cause is remanded.

Further, the court holds that there were reasonable grounds for this appeal, allows no penalty, and orders that costs shall be taxed 50% to Appellant and 50% to Appellee.

The court further orders that (1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

To the clerk:

Enter upon the journal of the court on 11/20/2026.

Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By:_____
Administrative Judge

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STATE OF OHIO,	:	APPEAL NO. C-250594 TRIAL NO. B-2400591-A
Plaintiff-Appellee,	:	
vs.	:	
		O P I N I O N
JASHAWN JOHNSON,	:	
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Affirmed in Part, Reversed in Part, and Cause Remanded

Date of Judgment Entry on Appeal: November 20, 2026

Connie Pillich, Hamilton County Prosecuting Attorney, and *Philip R. Cummings,* Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Timothy J. McKenna, for Defendant-Appellant.

BOCK, Presiding Judge.

{¶1} Defendant-appellant Jashawn Johnson entered into a plea agreement with plaintiff-appellee the State of Ohio in which the State agreed to dismiss or amend several serious felony charges against Johnson in exchange for him pleading guilty to two charges. The State and Johnson also agreed on a sentence, but they neglected to tell the trial court before the sentencing hearing that they had further agreed that Johnson would serve that sentence concurrently with a federal sentence he was already serving.

{¶2} The trial court accepted Johnson's pleas and imposed the agreed sentence. It ordered Johnson to serve the state sentence consecutively to the federal sentence. Johnson appealed, asserting his pleas were unknowing and involuntary, his counsel provided ineffective assistance, and the record did not support the trial court's imposition of consecutive sentences.

{¶3} The record demonstrates that Johnson's pleas were knowing and voluntary, and Johnson was not prejudiced by his counsel's performance, therefore we overrule his first and second assignments of error. However, we sustain the portion of Johnson's third assignment of error challenging consecutive sentences and remand the cause to the trial court for a new sentencing hearing. We overrule the remainder of Johnson's third assignment of error.

I. FACTS AND PROCEDURE

{¶4} In 2024, the State charged Johnson with (1) aggravated murder, (2) aggravated robbery, (3) and (4) two counts of murder, (5) felonious assault, and (6) having weapons under a disability ("WUD").

{¶5} In October 2025, Johnson appeared in court for his second trial date and requested a continuance to consider the State's plea offer. The court denied the

motion for a continuance, explaining that the case was nearly two years old and it was Johnson's second trial setting: "So you can have your trial, or you can enter your plea, whatever you want to do. But today is the day." During the exchange, Johnson requested new legal counsel based on a lack of effective communication with his counsel. The trial court denied the new-counsel motion.

{¶6} After a recess, Johnson indicated that he wanted to enter guilty pleas, so the trial court held a plea hearing. The State and Johnson had reached an agreed plea and sentence: the State would amend one of the two murder charges to voluntary manslaughter with a firearm specification and dismiss all but one of the remaining charges and their accompanying specifications. In exchange, Johnson agreed to plead guilty to the amended voluntary-manslaughter charge, with a firearm specification, and the WUD charge. The parties agreed to a 15-to-20-and-a-half-year indefinite aggregate sentence: 11 years for voluntary manslaughter, three years on the firearm specification, and 12 months for the WUD charge, all served consecutively. After the trial court explained the plea agreement and recommended sentences and ensured that Johnson wanted to move forward with pleading guilty, the State presented a statement of facts. In addition to reciting the statutory language, the State asserted that Johnson had texted the victim a time and place to meet for a drug deal and, when the victim arrived, Johnson and three other people surrounded the victim's vehicle to rob him and then shot him.

{¶7} The court asked Johnson if the statement reflected what happened. He replied that it was not what happened as there was no robbery and he had not killed the victim. Johnson said he was pleading guilty only because he did not want to lose his life by going to trial. The trial court said it could not accept Johnson's pleas unless he admitted to committing the offenses and told him to talk with his attorney.

{¶8} After speaking with his attorney, Johnson said he accepted the State's facts, he personally was not the shooter, but he wished to plead guilty. He repeated his desire to plead guilty. The trial court reviewed the potential consequences of the pleas, discussed the constitutional rights Johnson was foregoing by pleading guilty, and ensured Johnson understood.

{¶9} Defense counsel told the court that Johnson was serving a federal sentence and had agreed with the State that his federal sentence would run concurrently with the agreed sentences. The trial court, however, had been unaware of that agreement. It advised Johnson that it could order his state sentences to run consecutively to the federal sentence. After Johnson affirmed that he still wanted to plead guilty, the trial court accepted his pleas and found him guilty. The trial court imposed the agreed 15-to 20-and-a-half-year aggregate sentence, to run consecutively to the federal sentence.

II. Assignments of Error and Analysis

{¶10} On appeal, Johnson raises three assignments of error: (1) his pleas were unknowing and involuntary; (2) he received the ineffective assistance of counsel; and (3) the record did not support the trial court's imposition of consecutive sentences.

A. First Assignment of Error: Johnson's pleas were knowing and voluntary

{¶11} Johnson argues that he entered his guilty pleas (1) without agreeing with the facts stated by the State during his plea hearing, (2) without understanding the charges against him, (3) stating that he did not commit the acts to which he pled guilty, and (4) under pressure on the morning of trial. Therefore, Johnson argues, he entered his pleas unwillingly, unknowingly, and unintelligently.

1. Trial courts may accept guilty pleas only when the defendant enters them voluntarily and with sufficient knowledge

{¶12} Guilty pleas are valid only if the defendant enters them knowingly, voluntarily, and intelligently. *State v. McKinney*, 2026-Ohio-2256, ¶ 6 (1st Dist.). If a defendant's plea is entered in the absence of any of these three requirements, enforcement of that plea is unconstitutional under both the United States and Ohio Constitutions. *State v. Gowdy*, 2025-Ohio-5575, ¶ 18.

{¶13} This court reviews de novo whether a defendant entered a plea knowingly, voluntarily, and intelligently. *State v. Savage*, 2022-Ohio-3653, ¶ 16 (1st Dist.), citing *State v. Foster*, 2018-Ohio-4006, ¶ 33 (1st Dist.), quoting *State v. Tutt*, 2015-Ohio-5145 ¶ 13 (8th Dist.). Thus, we examine anew the totality of the circumstances surrounding the pleas. *McKinney*, 2026-Ohio-2256, at ¶ 6 (1st Dist.). Guided by our evaluation of the trial court's compliance with Crim.R. 11, we must determine if the plea colloquy demonstrates that the defendant understood the plea agreement itself, the rights being waived, and the consequences of the pleas. *Id.* at ¶ 6.

2. Johnson entered his pleas voluntarily, knowingly, and intelligently

{¶14} Johnson first asserts that his pleas were involuntary and unknowing because he was pressured to enter his guilty pleas or go to trial. He cites the trial court's denial of two motions that he raised on the morning of trial: a motion for a continuance so Johnson could consider a plea deal and a motion for new counsel because he had not been able to talk with his current counsel. According to Johnson, because he had only two options—to plead guilty or go to trial that day—the trial court pressured him to move forward, agree to facts to which he disagreed, and enter the pleas without understanding the charges or the pleas.

{¶15} But, as the trial court pointed out, Johnson's case had been pending for

more than a year and had already been set for a trial once. Johnson does not suggest that the trial court erroneously denied his motions for a continuance and new counsel. Rather, he only asserts that its denial rendered his pleas involuntary and unknowing.

{¶16} Moreover, the trial court did not require him to plead guilty. Rather, it told him he had a choice to plead or go to trial. The trial court reasonably denied the requests for a continuance and new counsel because it did not wish to delay the case further. And its denial of those requests did not render his pleas involuntary—he could have chosen to go to trial.

{¶17} Next, Johnson maintains that he did not agree with the State's presentation of the facts. This is incorrect. Johnson initially disagreed with the facts as recounted by the State, but he later admitted to those facts. While Johnson stated he "personally was not the shooter," he admitted he was present at the robbery and murder. The State's theory was complicity as police officers had recovered casings from several firearms, so there was no way to know from which gun the fatal shot was fired, or which person "pulled the trigger." And Johnson's representation that he did not have a gun at all was made after the trial court accepted Johnson's guilty pleas.

{¶18} Johnson entered his pleas voluntarily, knowingly, and intelligently. We overrule this assignment of error.

B. Second Assignment of Error: Johnson was not prejudiced by his counsel's performance

1. Defendants are entitled to competent counsel

{¶19} The law governing ineffective-assistance-of-counsel ("IAC") claims is rooted in the Sixth Amendment to the United States Constitution, which guarantees the right to the effective assistance of counsel in criminal prosecutions. U.S. Const., amend. VI. The right to the assistance of counsel applies to the states through the

Fourteenth Amendment's Due Process Clause. U.S. Const., amend. XIV, § 1. Moreover, the Ohio Constitution guarantees the right to counsel in criminal prosecutions. Ohio Const., art. I, § 10. Ohio courts evaluate IAC claims under the same standards as federal courts. *State v. Clinton*, 2024-Ohio-4720 (6th Dist.).

{¶20} In *Strickland v. Washington*, 466 U.S. 668 (1984), the United States Supreme Court created a two-prong test whereby a defendant asserting an IAC claim must show (1) deficient performance—that counsel's performance fell below an objective standard of reasonableness, and (2) prejudice—counsel's deficient performance prejudiced the defendant. *Id.* at ¶ 687. "A defendant's failure to satisfy one prong of the *Strickland* test negates a court's need to consider the other." *State v. Rainey*, 2023-Ohio-4666, ¶ 43 (1st Dist.).

{¶21} In cases where, like here, the defendant asserting an IAC claim entered a guilty plea below, the defendant must show both (1) counsel's representation was objectively unreasonable, and (2) but for counsel's deficient performance, the defendant would not have entered the guilty plea. *State v. Mata*, 2004-Ohio-6669, ¶ 14 (3d Dist.).

2. Johnson did not show he was prejudiced by his counsel's performance

{¶22} Johnson points to his assertion during the hearing that he and his counsel did not have good communication and argues that the lack of reasonable communication violated "the most basic of attorney duties," rendering his pleas unknowing. Moreover, he asserts that counsel's failure to inform the trial court before the hearing of the agreement to run his state sentences concurrently to his federal sentence constituted ineffective assistance.

{¶23} Assuming without deciding that counsel's performance fell below an objective standard of reasonableness, Johnson cannot prevail because he fails to

satisfy *Strickland*'s second prong. Johnson makes no argument that but for counsel's ineffective assistance, he would not have entered guilty pleas. And absent that showing, Johnson's IAC claim must fail.

{¶24} Moreover, before accepting Johnson's pleas, the trial court ensured he was satisfied with his trial counsel and informed him that it was "going to do whatever [it] want[s]" about Johnson's sentences, stating that his sentences "can run consecutive." Johnson entered his pleas knowing his sentences could run consecutively.

{¶25} Because Johnson cannot show that but for counsel's allegedly deficient assistance he would not have pleaded guilty, we overrule Johnson's second assignment of error.

C. Assignment of Error 3: The record supports consecutive sentences, but the trial court failed to make required findings

{¶26} Johnson's final assignment of error asserts that the trial court erred by imposing consecutive sentences; specifically, he argues that the trial court ordered him to serve his state sentences consecutively and to serve his federal sentence consecutively to his state sentences "without making the proper findings."

{¶27} R.C. 2929.41(A) contains a presumption that "a prison term, jail term, or sentence of imprisonment shall be served concurrently with any other prison term, jail term, or sentence of imprisonment imposed by a court of this state, another state, or the United States." But R.C. 2929.14(C)(4) allows a trial court to overcome that presumption and impose consecutive sentences by making three findings: (1) consecutive sentences are "necessary to protect the public from future crime or to punish the offender," (2) "consecutive sentences are not disproportionate to the seriousness of the offender's conduct and to the danger the offender poses to the

public," and (3) one or more of the R.C. 2929.14(C)(4)(a)-(c) factors apply.

1. Consecutive Sentences on State Counts

{¶28} When a "sentence is authorized by law, has been recommended jointly by the defendant and the prosecution in the case, and is imposed by a sentencing judge," R.C. 2953.08(D)(1) precludes appellate courts from reviewing the sentence. Indeed, the Supreme Court of Ohio deemed R.C. 2953.08(D)(1) "a statutory limit on a court of appeals' jurisdiction to hear an appeal." *State v. Noling*, 2013-Ohio-1764, ¶ 22.

{¶29} Because Johnson and the State jointly recommended the sentences for the state offenses be served consecutively, and the trial court imposed that sentence, we lack jurisdiction to consider Johnson's argument.

2. Consecutive State and Federal Sentences

{¶30} At the plea hearing, the State and Johnson told the court that part of the agreed sentence was that his state and federal sentences would be served concurrently. But the trial court ordered Johnson to serve the sentences consecutively. Accordingly, R.C. 2953.08(D)(1) does not apply to this portion of the sentence and we have jurisdiction to review it.

{¶31} Under R.C. 2929.41(A), except as provided by R.C. 2929.41(B) (and other provisions), "a prison term, jail term, or sentence of imprisonment shall be served concurrently with any other prison term, jail term, or sentence of imprisonment imposed by a court of . . . the United States."

{¶32} R.C. 2929.41(B)(4)'s exception to division (A)'s presumption provides, as relevant here, that when an Ohio trial court imposes a sentence for a felony offense, and a federal court has imposed a sentence for a federal felony offense, the trial court may order the defendant to serve the state and federal felony prison terms

consecutively. R.C. 2929.41(B)(2). Thus, under those circumstances, no presumption exists that federal and state felony sentences should be served concurrently, and the trial court is not obligated to make any R.C. 2929.14(C)(4) findings.

{¶33} But here, nothing in the record shows that the sentence imposed by the federal court was for a felony offense. The State's argument assumes R.C. 2929.41(B)(2) applies, but it points to nothing showing that Johnson's federal sentence was imposed for a felony offense.

{¶34} Because there is nothing showing that the federal court imposed a sentence for a felony offense, R.C. 2929.41(B)(2)'s exception to R.C. 2929.41(A) does not apply. Therefore, the trial court was required to make the R.C. 2929.14(C)(4) findings, but it did not do so.

{¶35} As the trial court was required to make those findings, but failed to do so, we sustain the portion of Johnson's third assignment of error challenging the trial court's ordering Johnson to serve his federal sentence consecutively to the state sentences it imposed and we remand the cause to the trial court for a new sentencing hearing. We overrule the remainder of Johnson's third assignment of error.

III. CONCLUSION

{¶36} We overrule Johnson's first and second assignments of error and affirm his convictions. But we sustain in part Johnson's third assignment of error, reverse the consecutive nature of his state and federal sentences, and remand the cause to the trial court to determine whether consecutive sentences are appropriate, and if so, to make the required findings under R.C. 2929.14(C)(4).

Judgment affirmed in part, reversed in part, and cause remanded.

NESTOR and **MOORE, JJ.,** concur.