

**IN THE COURT OF APPEALS OF OHIO
ELEVENTH APPELLATE DISTRICT
GEAUGA COUNTY**

STATE OF OHIO,

Plaintiff-Appellee,

- vs -

NOAH J. LEININGER,

Defendant-Appellant.

CASE NO. 2026-G-0004

Criminal Appeal from the
Chardon Municipal Court

Trial Court No. 2025 CRB 00443

OPINION AND JUDGMENT ENTRY

Decided: October 13, 2026

Judgment: Affirmed

James R. Flaiz, Geauga County Prosecutor; *Steven E. Patton* and *Lydia C. Wilson*, Assistant Prosecutors, Courthouse Annex, 231 Main Street, Third Floor, Chardon, OH 44024 (For Plaintiff-Appellee).

John T. Martin and *Michael I. Marein*, Marein & Bradley, L.L.C., 1300 East 9th Street, Suite 1000, Cleveland, OH 44114 (For Defendant-Appellant).

MATT LYNCH, P.J.

{¶1} Appellant, Noah J. Leininger, appeals the judgment of the Chardon Municipal Court sentencing him to 90 days in jail, suspended, and three years of community control after he pleaded no contest to vehicular manslaughter. Leininger contends the court erred by imposing a prohibition of drugs and alcohol as one of the terms of his community control because such a prohibition has no relation to his conviction. After a careful review of Leininger’s assignment of error, the record, and the pertinent law, we affirm the judgment of the Chardon Municipal Court.

{¶2} On August 13, 2025, Leininger was charged with (1) vehicular homicide, a first-degree misdemeanor, in violation of R.C. 2903.06(A)(3)(a); and (2) vehicular manslaughter, a second-degree misdemeanor, in violation of R.C. 2903.06(A)(4). The amended complaint alleged that on March 22, 2025, in Newbury Township, Ohio, Leininger was driving at an excessive speed and failed to control his speed, causing a motor vehicle accident that resulted in someone's death.

{¶3} Leininger pleaded no contest to vehicular manslaughter and the charge of vehicular homicide was dismissed.

{¶4} On January 9, 2026, the court sentenced Leininger to 90 days in jail, suspended, and a three-year term of community control. As relevant, one of the imposed conditions of community control was a prohibition against alcohol and drugs, which included random testing, and specifically states as follows:

I will **NOT** consume alcohol or possess, use, or purchase, or have under my control any narcotic drug, mind altering substance or other controlled substance, including any instrument, device or other object used to administer drugs or to prepare them for administration, unless it is lawfully prescribed for me by a licensed physician and taken in accordance with the prescribed dosage. I acknowledge that the use of marijuana, medical marijuana and CBD products, which is legal in Ohio, is **PROHIBITED** while on probation and use therefore constitutes a violation. Any attempt at providing an adulterated urine sample will **constitute a violation of probation**.

- I agree not to abuse any over the counter medication or mind altering substance and to inform my Probation Officer of any un-prescribed drugs.
- Upon request, I will submit to a **RANDOM** breath, urine, or blood test to detect the presence of alcohol &/or drugs in my body and pay all required fees. If consuming Alcohol &/or Drugs are suspected – **MUST** submit to breath, blood or urine testing device by a Law Enforcement Officer or qualified Agent of the Chardon Municipal Court. The Probation Department can call me at random to submit to an alcohol &/or drug test. I understand I have one (1) hour to report to the Probation Department to submit to a test. Any positive or diluted results will be reported to the

Court and may result in a violation of probation against me. Also, my failure to appear when requested will result in a warrant for my arrest.

{¶5} Leininger timely appealed and raises one assignment of error for our review:

{¶6} “In the absence of any evidence that illegal substances were involved in the offense conduct or had ever been ingested by the defendant, the trial court abused its discretion by imposing as a condition for the entirety of the three-year period of community control sanctions that the defendant refrain from alcohol or the legal use of marijuana even after reaching the age of 21 and in imposing as part of that prohibition a requirement of alcohol and drug monitoring.”

Community Control Sanctions

{¶7} In his sole assignment of error, Leininger contends the municipal court abused its discretion by imposing a prohibition against drugs and alcohol, which includes random testing, as one of the conditions of his community control because drugs and alcohol were not related to his conviction and he is not of legal age.

{¶8} At the outset, we note our review is constrained because Leininger failed to file transcripts of the plea and sentencing hearings. “The duty to provide a transcript for appellate review falls upon the appellant.” *Knapp v. Edwards Laboratories*, 61 Ohio St.2d 197, 199 (1980). Pursuant to App.R. 9(B)(3), “[t]he appellant shall order the transcript in writing and shall file a copy of the transcript order with the clerk of the trial court.” “When portions of the transcript necessary for resolution of assigned errors are omitted from the record, the reviewing court has nothing to pass upon and thus, as to those assigned errors, the court has no choice but to presume the validity of the lower court’s proceedings, and affirm.” *Knapp* at 199. Thus, we address Leininger’s assignment of error only to the extent it does not rely on the transcripts.

{¶9} “An appellate court reviews a trial court’s imposition of community-control sanctions under an abuse of discretion standard.” *State v. Ballish*, 2026-Ohio-503, ¶ 10, citing *State v. Talty*, 2004-Ohio-4888, ¶ 10. “Generally speaking, ‘a court will not be found to have abused its discretion in fashioning a community-control sanction as long as the condition is reasonably related to’ the goals of probation.” *Id.*, quoting *State v. Chapman*, 2020-Ohio-6730, ¶ 8. “Such conditions cannot be overly broad so as to unnecessarily impinge upon the probationer’s liberty.” *Id.* at ¶ 7, quoting *State v. Jones*, 49 Ohio St.3d 51, 52 (1990).

{¶10} In *Ballish*, the Supreme Court of Ohio clarified that “[w]hen the legislature has enumerated specific community-control sanctions, we review a sentencing court’s imposition of those sanctions for an abuse of discretion, asking whether the condition is unreasonable, arbitrary or unconscionable.” *Id.* at ¶ 27. See, e.g., R.C. 2929.27(A)(3) (expressly authorizing a sentencing court to impose “a term of community service of up to five hundred hours for a misdemeanor of the first degree or two hundred hours for a misdemeanor of the second, third, or fourth degree”).

{¶11} Where a condition is not expressly authorized by statute, appellate courts review the imposition of the condition for an abuse of discretion using R.C. 2929.25(C)(2), which codified the test previously articulated in *Jones*. *Ballish* at ¶ 26. “R.C. 2929.25(C)(2) authorizes a sentencing court to impose ‘additional requirements on the offender,’ so long as the conditions are ‘[i]n the interests of doing justice, rehabilitating the offender, and ensuring the offender’s good behavior.’” *Id.* See also *Jones* at 53 (“courts should consider whether the condition (1) is reasonably related to rehabilitating the offender, (2) has some relationship to the crime of which the offender was convicted, and

(3) relates to conduct which is criminal or reasonably related to future criminality and serves the statutory ends of probation”).

{¶12} Pursuant to R.C. 2929.27(A)(8), a sentencing court is authorized to impose “a term of drug and alcohol use monitoring, including random drug testing,” as a condition of community control.

{¶13} Pursuant to R.C. 5120.63(A)(1), “‘Random drug testing’ means a procedure in which blood or urine specimens are collected from individuals chosen by automatic, random selection and without prearrangement or planning, for the purpose of scientifically analyzing the specimens to determine whether the individual ingested or was injected with a drug of abuse.” See *also* R.C. 2951.05(A)(1) and (B)(2).

{¶14} Thus, the imposition of drug and alcohol monitoring, including random drug testing, is expressly authorized by statute. Having no transcripts of the sentencing hearing and the plea hearing, we cannot find the trial court abused its discretion by imposing a condition expressly authorized by statute.

{¶15} Accordingly, Leininger’s sole assignment of error is without merit.

{¶16} The judgment of the Chardon Municipal Court is affirmed.

EUGENE A. LUCCI, J.,

ROBERT J. PATTON, J.,

concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this court, appellant's assignment of error is without merit. It is the judgment and order of this court that the judgment of the Chardon Municipal Court is affirmed.

Costs to be taxed against appellant.

PRESIDING JUDGE MATT LYNCH

JUDGE EUGENE A. LUCCI,
concur

JUDGE ROBERT J. PATTON,
concur

THIS DOCUMENT CONSTITUTES A FINAL JUDGMENT ENTRY

A certified copy of this opinion and judgment entry shall constitute the mandate pursuant to Rule 27 of the Ohio Rules of Appellate Procedure.