[Cite as *State v. Hawke*, 2026-Ohio-4602.]

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
GREENE COUNTY

STATE OF OHIO	:	
	:	C.A. No. 2026-CA-18
Appellee	:	
	:	Trial Court Case No. 2022 CR 0364
v.	:	
	:	(Criminal Appeal from Common Pleas
DAVID A. HAWKE	:	Court)
	:	
Appellant	:	**FINAL JUDGMENT ENTRY & OPINION**

. . . . . .

Pursuant to the opinion of this court rendered on November 20, 2026, the judgment of the trial court is affirmed.

Costs to be paid as stated in App.R. 24.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately send a copy of the court's ruling to each party and note that action on the docket. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,



CHRISTOPHER B. EPLEY, JUDGE

TUCKER, J., and HUFFMAN, J., concur.

OPINION
GREENE C.A. No. 2026-CA-18

ADAM J. ARNOLD, Attorney for Appellant
MEGAN A. HAMMOND, Attorney for Appellee

EPLEY, J.

{¶ 1} David A. Hawke appeals from the Greene County Common Pleas Court judgment finding him in violation of his community control sanctions ("CCS") and sentencing him to an indefinite prison sentence of a minimum four years to a maximum six years. We affirm the trial court's judgment.

I. Facts and Course of the Proceedings

{¶ 2} On February 22, 2024, Hawke pled guilty to identity fraud in violation of R.C. 2913.49(B)(2), a felony of the second degree. As part of the plea bargain, eight other charges were dismissed. On April 16, 2024, Hawke was sentenced to community control sanctions for a five-year term.

{¶ 3} In July 2024, Hawke admitted a CCS violation, and the trial court modified his CCS conditions by requiring Hawke to complete the MonDay Program. Then, in March 2025, Hawke used methamphetamine, a violation of his CCS. He appeared in court on April 4, 2025, and again admitted a CCS violation. The trial court ordered Hawke to complete the Christopher House Program as a new requirement of his CCS.

{¶ 4} In October and November 2025, Hawke moved out of sober living and failed to notify his probation officer, failed to report to the probation department, used methamphetamine, did not pay court costs, and failed to comply with TCN Behavioral Health, all violations of his CCS. Hawke admitted these violations on January 7, 2026. On

February 3, 2026, the trial court revoked Hawke's CCS and sentenced him to four to six years in prison.

{¶ 5} Hawke appeals, raising two assignments of error. Because they both pertain to the trial court's sentence for violating his CCS, we will address them together.

II. Revocation and Sentence

{¶ 6} Hawke's first assignment of error claims that the trial court "abused its discretion by revoking community control and imposing prison when [he] demonstrated substantial progress toward rehabilitation." His second assignment of error states that the trial court abused its discretion by "imposing an indefinite prison term inconsistent with the purposes and principles of felony sentencing under R.C. 2929.11 and failing to adequately consider [Hawke's] rehabilitative progress and amenability to community-based treatment."

{¶ 7} When a criminal defendant violates the conditions of his community control, "R.C. 2929.15(B) provides the trial court [with] a great deal of latitude in sentencing the offender." *State v. Brooks*, 2004-Ohio-4746, ¶ 20. R.C. 2929.15(B) provides the trial court with the options of imposing a longer period of community control, a more restrictive community-control sanction, or a prison term of any length within the range of that available for the original offense, provided that it does not exceed the reserved prison time stated at sentencing and incorporated into the sentencing entry. *Id.* at ¶ 22.

{¶ 8} When reviewing sentences imposed upon revocation of an offender's community control, we use the standard of review set forth in R.C. 2953.08(G)(2). *State v. Mallow*, 2026-Ohio-2204, ¶ 18 (2d Dist.). Under that statute, an appellate court may increase, reduce, or modify a sentence, or vacate it altogether and remand for resentencing, if it "clearly and convincingly finds either (1) the record does not support certain specified

findings or (2) that the sentence imposed is contrary to law." *State v. Worthen*, 2021-Ohio-2788, ¶ 13 (2d Dist.).

{¶ 9} According to the Ohio Supreme Court, we may not independently "weigh the evidence in the record and substitute [our] judgment for that of the trial court concerning the sentence that best reflects compliance with R.C. 2929.11 and 2929.12." *State v. Jones*, 2020-Ohio-6729, ¶ 42. The inquiry is simply whether the sentence is contrary to law. A sentence is contrary to law when it falls outside the statutory range for the offense or if the sentencing court did not consider R.C. 2929.11 and 2929.12. *State v. Dorsey*, 2021-Ohio-76, ¶ 18 (2d Dist.).

{¶ 10} On January 7, 2026, Hawke admitted the violations of his community control sanctions, and he expressed his understanding that he was waiving a hearing on the alleged violations. Hawke also acknowledged that he was not guaranteed or promised anything to admit the violation, he was not coerced or tricked, and he was making the admission of his own free will. Tr. at 7. Hawke does not challenge the trial court's acceptance of his admissions.

{¶ 11} At sentencing on February 3, 2026, the court considered the purposes and principles of felony sentencing (R.C. 2929.11) and the sentencing factors listed in R.C. 2929.12. The trial court reviewed and detailed Hawke's prior convictions, revocations, and prisons sentences and concluded that a prison sentence was appropriate. The sentence was within the range for second-degree felonies. Accordingly, the court's prison sentence was not contrary to law.

{¶ 12} The assignments of error are overruled.

III. Conclusion

{¶ 13} The judgment of the trial court is affirmed.

. . . . . .

TUCKER, J., and HUFFMAN, J., concur.