[Cite as *State v. Patrick*, 2026-Ohio-4610.]

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

STATE OF OHIO	:	
	:	C.A. No. 2026-CA-12
Appellee	:	
	:	Trial Court Case No. 2024 CR 071
v.	:	
	:	(Criminal Appeal from Common Pleas
TABITHA MARTE PATRICK	:	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,



MICHAEL L. TUCKER, JUDGE

EPLEY, J., and HUFFMAN, J., concur.

OPINION
CHAMPAIGN C.A. No. 2026-CA-12

ROBERT L. SCOTT, Attorney for Appellant
BENJAMIN T. HOSKINSON, Attorney for Appellee

TUCKER, J.

{¶ 1} Tabitha Marte Patrick appeals from the trial court's revocation of her community control sanctions and its imposition of a 12-month prison sentence for aggravated drug possession, a fifth-degree felony.

{¶ 2} Patrick contends the trial court erred in imposing a 12-month sentence for three "technical" community control violations. She also argues that her sentence was contrary to law and unsupported by the record.

{¶ 3} We conclude that the trial court correctly found one of Patrick's three violations to be non-technical. Although it made no findings regarding the other two, at least one of them also was non-technical. The existence of a non-technical violation authorized the trial court to impose a 12-month prison sentence. Patrick has not shown that the sentence was contrary to law or otherwise invalid. Accordingly, we affirm the trial court's judgment.

I. Background

{¶ 4} A grand jury indicted Patrick on two counts of aggravated drug possession. She pleaded guilty to one count in exchange for dismissal of the other count, and the trial court granted her intervention in lieu of conviction ("ILC"). She subsequently violated her ILC conditions by failing to complete intervention plans or counseling and by having contact with a prohibited person. The trial court revoked ILC and placed her on three years of community control sanctions. Her conditions included gaining admission to and completing a residential program at the West Central Community Based Correctional Facility. They also included

obtaining permission before changing her residence and not possessing or using drugs. Three months after being placed under community control supervision, Patrick made herself unavailable as her whereabouts were unknown. She later was located and charged with several violations, including failing to gain admission to the West Central program, changing her residence without permission, and using methamphetamines. After Patrick admitted these violations, the trial court revoked community control and imposed a 12-month prison term. She appeals, advancing two assignments of error.

II. Analysis

{¶ 5} The first assignment of error states:

THE TRIAL COURT ERRED IN CLASSIFYING APPELLANT'S COMMUNITY CONTROL VIOLATIONS AS NON-TECHNICAL VIOLATIONS UNDER R.C. 2929.15(B).

{¶ 6} Patrick contends the trial court erred in finding each of her community control violations to be non-technical and imposing a 12-month prison term. Regarding the West Central program, she claims she "never rejected treatment opportunities." She characterizes her failure to report a change of address as an "administrative supervision" issue. While not specifically addressing drug use under her first assignment of error, she frames her course of conduct as "noncompliance stemming from addiction, relapse, and instability." She argues that the record does not support an affirmative rejection of rehabilitative services. Therefore, she asserts that the trial court erred in imposing a prison sentence longer than statutorily authorized for technical violations of community control.

{¶ 7} Upon review, we find Patrick's argument to be without merit. Under R.C. 2929.15(B)(1)(c)(i), the term of incarceration for a technical violation of community control conditions imposed for a fifth-degree felony shall not exceed 90 days. Another provision,

R.C. 2929.15(E), defines a "technical violation." It states:

> (E) As used in this section, "technical violation" means a violation of the conditions of a community control sanction imposed for a felony of the fifth degree . . . and to which neither of the following applies:
>
> (1) The violation consists of a new criminal offense that is a felony or that is a misdemeanor other than a minor misdemeanor, and the violation is committed while under the community control sanction.
>
> (2) The violation consists of or includes the offender's articulated or demonstrated refusal to participate in the community control sanction imposed on the offender or any of its conditions, and the refusal demonstrates to the court that the offender has abandoned the objects of the community control sanction or condition.

{¶ 8} Contrary to Patrick's argument, the trial court did not explicitly find that all three of her community control violations were non-technical. Instead, its judgment entry stated that "at least one" of the violations was non-technical. The trial court focused on her lack of participation in the West Central program, finding that violation non-technical under R.C. 2929.15(E)(2). The trial court reasoned that her refusal even to participate in West Central's admission screening process constituted a refusal to participate in a condition of community control and demonstrated her abandonment of the objects of that condition. The record fully supports this conclusion. At sentencing, defense counsel acknowledged that Patrick knowingly had failed to report to the West Central program as ordered. Instead, she stopped contacting her probation officer, changed her residence without notice or permission, and began using drugs. Based on these actions, the trial court reasonably found her lack of participation in the West Central program to be a non-technical violation under R.C.

2929.15(E)(2). The record supports the finding that her non-participation in the program demonstrated abandonment of that community control condition.

{¶ 9} Although not critical to our analysis, we note too that Patrick's admitted methamphetamine use while on community control also constituted a non-technical violation under R.C. 2929.15(E)(1) as it was a new felony criminal offense. *State v. Helton*, 2025-Ohio-1945, ¶ 19 (2d Dist.) ("Helton's admission . . . that on or about September 13, 2024, he used methamphetamine and amphetamine in Champaign County was an acknowledgement to a non-technical violation of his community control sanctions."). Considering that not all of Patrick's violations were non-technical, the trial court was not limited to imposing a 90-day sentence under R.C. 2929.15(B)(1)(c)(i). Accordingly, the first assignment of error is overruled.

{¶ 10} The second assignment of error states:

THE TRIAL COURT'S IMPOSITION OF THE MAXIMUM TWELVE-MONTH PRISON TERM WAS CONTRARY TO LAW AND UNSUPPORTED BY THE RECORD.

{¶ 11} Patrick challenges her 12-month prison term as being contrary to law and unsupported by the record. She notes her expression of remorse and acceptance of responsibility for the community control violations. She cites her struggles with addiction and housing instability as factors contributing to the violations. She also points out her claimed willingness to participate in a structured treatment program and her probation officer's willingness to continue supervising her. Under these circumstances, Patrick contends her 12-month prison sentence was unsupported by the record and contrary to law because it was inconsistent with the rehabilitative purposes of felony sentencing.

{¶ 12} We review sentences imposed following the revocation of community control

under 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 it may vacate the sentence and remand for resentencing, only if it 'clearly and convincingly' finds either (1) that the record does not support certain specified findings or (2) that the sentence imposed is contrary to law." *Id*., citing *State v. King*, 2024-Ohio-5347, ¶ 11 (2d Dist.). "A sentence is contrary to law when it does not fall within the statutory range for the offense or if the trial court fails to consider the purposes and principles of felony sentencing set forth in R.C. 2929.11 and the sentencing factors set forth in R.C. 2929.12." *State v. Brown*, 2017-Ohio-8416, ¶ 74 (2d Dist.).

{¶ 13} When revoking community control, a trial court is not required to make any findings or give reasons for imposing a maximum prison term. The record simply must demonstrate that it considered the principles and purposes of felony sentencing in R.C. 2929.11 and the seriousness and recidivism factors in R.C. 2929.12. *Mallow* at ¶ 19. A prison term also must be within the authorized statutory range for the underlying offense and may not exceed the term specified in the notice provided at the original sentencing hearing. *Id*. at ¶ 17.

{¶ 14} Here Patrick's 12-month prison term was not contrary to law. It was within the authorized statutory range for aggravated drug possession. It also was consistent with the notice she received when the trial court placed her under community control supervision. We note too that the trial court considered the factors in R.C. 2929.11 and R.C. 2929.12 before imposing her sentence. Finally, contrary to Patrick's argument, we are not authorized to modify or vacate her sentence based on her belief that a 12-month prison term is unsupported by the record under R.C. 2929.11 or 2929.12. *Mallow* at ¶ 22. Accordingly, the second assignment of error is overruled.

III. Conclusion

{¶ 15} The judgment of the Champaign County Common Pleas Court is affirmed.

. . . . . .

EPLEY, J., and HUFFMAN, J., concur.