

IN THE OHIO COURT OF APPEALS
FIFTH APPELLATE DISTRICT
RICHLAND COUNTY, OHIO

STATE OF OHIO,

Plaintiff - Appellee

-vs-

DUSTIN R. WILLIAMS,

Defendant - Appellant

Case No. 2026 CA 0018

Opinion & Judgment Entry

Appeal from the Court of Common Pleas
of Richland County,
Case No. 2024 CR 0062 R

Judgment: Affirmed

Date of Judgment: September 4, 2026

BEFORE: Craig R. Baldwin, Kevin W. Popham, and David M. Gormley, Judges

APPEARANCES: Jodie M. Schumacher (Richland County Prosecuting Attorney) and Michelle A. Fink (Assistant Prosecuting Attorney), Mansfield, Ohio, for Plaintiff-Appellee; Todd W. Barstow, Newark, Ohio, for Defendant-Appellant.

Gormley, J.

{¶1} Appellant Dustin Williams challenges the sentence imposed on him for a pair of felony drug-related charges. The sentence was inconsistent with the R.C. 2929.11 purposes and principles of felony sentencing, he says, and the trial court in Williams’s view also did not properly evaluate the seriousness and recidivism factors listed in R.C. 2929.12. Because we see no flaws in the trial court’s analysis, and because the sentence was a lawful one, we affirm the judgment.

The Key Facts

{¶2} Williams pled no contest in the trial court in 2024 to two fifth-degree-felony charges — aggravated possession of drugs and possession of a fentanyl-related compound — along with a misdemeanor theft charge. Rather than entering a guilty finding and imposing a sentence in the case, the trial judge placed Williams on the trial court’s treatment-court

docket, which meant that Williams was expected to participate in long-term outpatient substance-use treatment, comply with supervision requirements set by the court’s probation staff, and meet periodically with the trial judge to discuss Williams’s progress in overcoming his addictions.

{¶3} Unfortunately, Williams violated the requirements of the treatment-court program, and the trial judge then ordered Williams to spend several months at a community-based correctional facility in Tiffin. After Williams completed his time there, he was again placed on the trial court’s treatment-court docket. When Williams continued to test positive for the use of illegal drugs and then stopped reporting to his supervising officer, the trial judge in 2026 finally made a guilty finding on Williams’s no-contest plea from two years earlier.

{¶4} At the sentencing hearing that followed, the trial judge summarized a presentence report in the case and listened to statements from the prosecutor, from defense counsel, from a probation officer who had worked with Williams on the treatment docket, and from Williams himself.

{¶5} The judge then imposed nine-month consecutive prison terms on the two F5 drug-related charges as well as some concurrent jail days on the M1 theft charge. Williams now appeals.

We See No Error in Williams’s Sentence

{¶6} We may “increase, reduce, or otherwise modify” a felony sentence — or remand the case so the trial court can shoulder those duties — if and only if “clear[] and convincing[]” evidence indicates either that the trial court’s initial sentencing-related findings were not supported by the record or that the sentence was “otherwise contrary to law.” R.C. 2953.08(G)(2).

{¶7} We are not permitted, though, to overturn or alter a sentence “based on the lack of support in the record for the trial court’s findings under R.C. 2929.11 [explaining the overriding purposes of felony sentencing] and 2929.12 [directing the trial court to consider various factors tied to the seriousness of the crime in question as well as various other factors relevant to the likelihood that the defendant will commit other crimes in the future].” *State v. Jones*, 2020-Ohio-6729, ¶ 29. *See also State v. Hammonds*, 2026-Ohio-2295, ¶ 8 (5th Dist.); *State v. Avery*, 2026-Ohio-2783, ¶ 7 (5th Dist.).

{¶8} That limit on our authority to second-guess trial judges takes away any oxygen for the arguments that Williams makes. He asks us to reweigh the R.C. 2929.11 and 2929.12 factors and to substitute our judgment for that of the trial judge. We rejected a similar argument in *Hammonds*, where the appellant had likewise pressed the view that the trial judge had given insufficient weight to some of the statutory factors that trial judges must consider at felony sentencing hearings. *See Hammonds* at ¶ 9, 22. And though Williams asks us to grant relief “[d]espite *Jones*,” we must of course adhere to the approach embraced by the Supreme Court in that decision. *See State v. Rugg*, 2026-Ohio-1010, ¶ 16 (5th Dist.) (“this Court is bound to follow controlling precedent of the majority of the Supreme Court of Ohio”).

{¶9} Nothing about the sentence imposed in Williams’s case was contrary to law in any other respect. A nine-month prison term for each of the two fifth-degree-felony crimes was not at odds with R.C. 2929.14(A)(5)’s prison-term range for F5 offenses, and the trial judge dutifully announced a sentence for each offense before stating the R.C. 2929.14(C)(4) findings that the judge needed to make in order to impose the prison terms consecutively. The judge noted, too, at the sentencing hearing (and in the sentencing entry that followed)

that he had considered the presentence report, the statements of the parties, the principles and purposes of sentencing under R.C. 2929.11, and the seriousness and recidivism factors under R.C. 2929.12. Nothing more was required. *See State v. Mullins*, 2026-Ohio-2399, ¶ 24 (5th Dist.) (a sentence was not contrary to law where the trial judge had made similar statements and had made similar consecutive-sentence findings after imposing within-range prison terms in a felony case); *Hammonds* at ¶ 15 (a trial court need not “state its reasons . . . for imposing a particular sentence within the statutory range”), quoting *State v. Webb*, 2019-Ohio-4195, ¶ 17 (5th Dist.).

{¶10} Because the trial judge complied with the applicable sentencing statutes, we have no authority to undo Williams’s prison terms now.

{¶11} For these reasons, the judgment of the Court of Common Pleas of Richland County is affirmed. Costs are to be paid by Appellant Dustin Williams.

By: Gormley, J.;

Popham, P.J. and

Baldwin, J. concur.