

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

STATE OF OHIO,

Plaintiff - Appellee

-vs-

KEITH E. JONES,

Defendant - Appellant

Case No. 26CA000001

Opinion And Judgment Entry

Appeal from the Cambridge Municipal Court,
Case No. TRD2500100

Judgment: Affirmed

Date of Judgment Entry: October 13, 2026

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

APPEARANCES: WILLIAM H. FERGUSON, Cambridge Law Director, for Plaintiff-Appellee; JAMES S. SWEENEY, for Defendant-Appellant.

Baldwin, P.J.

{¶1} Appellant Keith E. Jones appeals the trial court’s December 5, 2025, Probation Violation entry which found that the appellant had violated the terms of his community control and ordered him to serve the remaining jail time on his original sentence. Appellee is the State of Ohio.

STATEMENT OF FACTS AND THE CASE

{¶2} The appellant pleaded guilty on August 11, 2025, to one count of driving under suspension in violation of R.C. 4510.11, a misdemeanor of the first degree. He was sentenced to 90 days in jail, with 75 days suspended and credit for 15 days of time served, and ordered to pay a fine. In addition, the appellant was placed on 12 months of community control with

standard terms and conditions, ordered to complete 40 hours of community service, and ordered not to drive unless he had a valid license and insurance.

{¶3} On November 25, 2025, the appellee filed a Motion to Find Defendant to Be in Violation of Community Control Sanctions asking the trial court to find the appellant in violation of his community control terms and conditions. Specifically, the appellee alleged that the appellant had failed to complete his 40 hours of community service in a timely manner, and had failed to report on November 7, 2025. The appellee's Motion stated that the appellant's whereabouts were unknown at the time of said filing, and requested that a warrant be issued for the appellant's arrest. The court issued the Warrant the next day. The Warrant stated that "... **KEITH E JONES has FAILED TO COMPLETE 40 HOURS COMMUNITY SERVICE AND ALSO FAILED TO REPORT ON A NOTICE TO REPORT 11-7-2025.**" (Emphasis original.) On December 4, 2025, the Warrant was served upon the appellant and he was arrested.

{¶4} An initial probation violation probable cause hearing was scheduled for December 5, 2025.¹ The appellant appeared at the hearing, at which the following exchange took place:

THE COURT: That may be a defense. But you understand the allegation is you didn't - - didn't complete community service? You understand that?

THE DEFENDANT: Yeah.

¹ The appellant appeared on December 5, 2025, on two cases. The first was a new case involving one charge of having weapons while under disability and two charges of improperly handling firearms in a motor vehicle. The first part of the December 5, 2025, hearing consisted of a felony bond hearing on said case. The court then proceeded on the second case - the within community control violation matter.

THE COURT: And the allegation is you didn't report on November 7th. You understand that?

THE DEFENDANT: Yes, ma'am.

THE COURT: All right. Those are the allegations that have been made. Now, if I find that you violated the terms and conditions of your probation, I can do any of the following.

I can extend your probation under the same terms and conditions, for a total period of no more than five years. I can impose additional terms and conditions on probation. I can impose any previously suspended jail sentence or re-sentence you to a jail term not to exceed the maximum possible jail sentence authorized for your original offense.

Do you understand those potential penalties if you're found to have violated probation?

THE DEFENDANT: Yes, ma'am.

THE COURT: All right. In order to find that you violated the terms and conditions of probation, I must be presented with substantial proof of the alleged violations.

Again, you have various rights which I just explained to you in regards to your new case. You have the right to be represented by an attorney. If you can't afford an attorney, you have the right for the Court to appoint one to represent you at no cost. You have the right to testify on your own behalf, although you can't be forced to do that. You have the right to confront any

witnesses against you and the right to subpoena witnesses or present other evidence in your defense.

Do you understand your rights in this case, Mr. Jones?

THE DEFENDANT: Yes, ma'am.

THE COURT: All right. So for today's hearing, you have a couple of options. You can enter an admission, you admit to the violations of your probation. If you admit those violations, I'm going to talk to Officer Corbett, see what the recommendation is, and then we'll proceed to sentencing or disposition as to your probation violation.

You also have the right to request that a hearing be scheduled and that an attorney be appointed to represent you in that matter. If you request a hearing, I'm likely to appoint Attorney Grosshandler to represent you in this case as well.

All right. Do you understand - -

THE DEFENDANT: Okay.

THE COURT: - - your options for today?

THE DEFENDANT: Yes, ma'am.

THE COURT: All right. How would you like to proceed, Mr. Jones?

THE DEFENDANT: Well, I am guilty of my probation violation.

THE COURT: All right. So does that mean you want to admit that you violated probation?

THE DEFENDANT: Yes, ma'am. I was driving and I shouldn't have been. * * *

THE COURT: Okay. Well, the - - you don't have probation violation for driving when you weren't supposed to. You have a probation violation for not completing community service and for not reporting to Officer Corbet when he told you to. So those are the - -

THE DEFENDANT: Okay.

THE COURT: - - things that you'd be admitting to.

THE DEFENDANT: Yeah. I - -

THE COURT: All right.

THE DEFENDANT: - - (INAUDIBLE) - - because - -

THE COURT: All right. So let me - - let me stop you for just a second. We'll - - we'll get there. All right. Is anybody forcing you to admit this - - these violations?

THE DEFENDANT: No.

THE COURT: All right. And you understand if you admit, you're giving up an attorney, you're giving up the hearing?

THE DEFENDANT: Yes. I just - - I'm just trying not to get - - (INAUDIBLE).

THE COURT: Okay. All right. Well, the Court's going to find that the defendant did knowingly, voluntarily enter an admission to his probation violation. So I'm going to find that you are in violation.

* * *

The court then went on to hear from the appellant's community control supervisor, Officer Corbett, who outlined the appellant's community control violations. In addition, Officer Corbett stated that numerous attempts had been made to contact the appellant at the phone number on file for him, which was no longer a working number; and, that the appellant had failed to provide the court, and Corbett's department, with a current address.

{¶15} The trial court revoked the appellant's community service, imposed the original 90-day jail sentence, and credited the appellant with 17 days of time served.

{¶16} The appellant filed a timely appeal, and sets forth the following two assignments of error:

{¶17} "I. THE TRIAL COURT VIOLATED THE APPELLANT'S RIGHT TO DUE PROCESS."

{¶18} "II. THE TRIAL COURT ERRED IN ALLOWING APPELLANT TO PROCEED PRO SE WITHOUT ENSURING THERE WAS A KNOWING, INTELLIGENT, AND VOLUNTARY WAIVER OF HIS SIXTH AMENDMENT RIGHT TO COUNSEL."

{¶19} The appellant's assignments of error are interrelated, and as such we elect to address them together.

STANDARD OF REVIEW

{¶10} The standard of review in cases involving the revocation of community control was discussed by this Court in *State v. Fears*, 2018-Ohio-1468 (5th Dist.):

"The privilege of probation rests upon the probationer's compliance with the probation conditions and any violation of those conditions may properly be used to revoke the privilege." *State v. Ohly*, 166 Ohio App.3d 808,

2006-Ohio-2353, 853 N.E.2d 675 (6th Dist.), ¶ 19, *quoting State v. Bell*, 66 Ohio App.3d 52, 57, 583 N.E.2d 414 (5th Dist. 1990). “Because a community control revocation hearing is not a criminal trial, the state does not have to establish a violation with proof beyond a reasonable doubt.” *State v. Wolfson*, 4th Dist. Lawrence No. 03CA25, 2004-Ohio-2750, 2004 WL 1178724, ¶ 7; *see, also, State v. Payne*, 12th Dist. Warren No. CA2001-09-081, 2002 WL 649403; *State v. Hylton*, 75 Ohio App.3d 778, 782, 600 N.E.2d 821 (4th Dist. 1991). Instead, the state need only present “substantial” proof that a defendant willfully violated the community control conditions. *See Hylton*, 75 Ohio App.3d at 782, 600 N.E.2d 821². “The test ordinarily applied is highly deferential to the decision of the trial court and is akin to a preponderance of the evidence burden of proof. *See State v. Alderson*, 4th Dist. Meigs No. 98CA12, 1999 WL 713594 (Aug. 31, 1999). Accordingly, the court's conclusion must be sustained if there is competent credible evidence to support it. *Id.*” *State v. Hayes*, 6th Dist. Wood No. WD-00-075, 2001 WL 909291 (Aug. 10, 2001). Additionally, the “[d]etermination of the credibility of the witnesses is for the trier of fact.” *Ohly*, 166 Ohio App.3d 808, 2006-Ohio-2353, 853 N.E.2d 675, ¶ 19. *See also, State v. Brank*, 5th Dist. Tusc. No.2006AP 090053, 2007-Ohio-919, 2007 WL 657704.

Once a trial court finds that a defendant violated community control conditions, it possesses discretion to revoke the defendant's community control. In that event, appellate courts should not reverse trial court decisions unless a court abused its discretion. *Wolfson*, 2004-Ohio-2750, 2004 WL 1178724, ¶ 8.

An abuse of discretion exists where the reasons given by the court for its action are clearly untenable, legally incorrect, or amount to a denial of justice, or where the judgment reaches an end or purpose not justified by reason and the evidence. *Tennant v. Gallick*, 9th Dist. Summit No. 26827, 2014-Ohio-477, 2014 WL 602264, ¶ 35; *In re Guardianship of S.H.*, 9th Dist. Medina No. 13CA0066-M, 2013-Ohio-4380, 2013 WL 5519847, ¶ 9; *State v. Firouzmandi*, 5th Dist. Licking No. 2006-CA-41, 2006-Ohio-5823, 2006 WL 3185175, ¶ 54.

Id. at ¶¶ 16-19.

ANALYSIS

{¶11} The appellant argues that the trial court violated his right to due process and erred in “allowing” him to “proceed pro se without ensuring that there was a knowing, intelligent, and voluntary waiver to his sixth amendment right to counsel.” We disagree.

{¶12} Crim. R. 32.3 addresses revocation of probation, and provides in pertinent part:

(A) **Hearing.** The court shall not impose a prison term for violation of the conditions of a community control sanction or revoke probation except after a hearing at which the defendant shall be present and apprised of the grounds on which action is proposed.

(B) **Counsel.** The defendant shall have the right to be represented by retained counsel and shall be so advised. Where a defendant convicted of a serious offense is unable to obtain counsel, counsel shall be assigned to represent the defendant, unless the defendant after being fully advised of his or her right to assigned counsel, knowingly, intelligently, and voluntarily waives the right to counsel. Where a defendant convicted of a petty offense

is unable to obtain counsel, the court may assign counsel to represent the defendant.

The appellant argues that he did not receive written notice of the hearing and as such the trial court's finding that he failed to comply with the terms of his community control violated his due process rights; and, that he did not knowingly, intelligently, and voluntarily waive his right to counsel. These arguments are without merit.

{¶13} As an initial matter, while the appellant stated that he did not receive a copy of the Motion regarding his community control violations, he did not submit this as an objection at the time of the hearing. As stated by the court in *State v. Mayfield*, 1996 Ohio App. LEXIS 2158 (8th Dist. May 23, 1996), "failure to timely object to due process violations during a probation revocation proceeding waives any error." *Id.* at 4. Further, even if he had objected, the appellant was served with a copy of the Warrant upon his arrest, which contained the details of his alleged violations, and as such put him on notice.

{¶14} Moreover, during the December 5th hearing the trial court explained to the appellant not only the nature of his alleged violations, but also his rights. The court specifically advised the appellant that he had the right to be represented by an attorney, and that if he could not afford an attorney he had "the right for the Court to appoint one to represent [him] at no cost." In addition, the court advised the appellant that he had the right to testify on his own behalf, but could not be forced to do so; and, that he had the right to confront any witnesses against him, and the right to subpoena witnesses or present other evidence in his defense. The trial court further advised the appellant that he had the right to request that a hearing be scheduled and, again, that an attorney be appointed to represent him in the matter.

Despite having been provided with this information, the appellant admitted that he violated the terms of his community control.

{¶15} The court in *State v. Dagley*, 2022-Ohio-2671 (8th Dist.) stated:

"This court has stated that an admission to a community-control violation 'dispense[s] with the need to present evidence or to give appellant the opportunity to defend.'" *English* at ¶ 12, quoting *Frazier*, 8th Dist. Cuyahoga No. 104596, 2017-Ohio-470, at ¶ 11. "The purpose of the written notice requirement is to inform the probationer of the claimed violation of probation." *State v. Stowers*, 8th Dist. Cuyahoga Nos. 48572, 48575, 48576, 48577, 48578, 48584, 48590, 48872, and 48873, 1985 Ohio App. LEXIS 5610 (Jan. 31, 1985).

"Although written notice of claimed violations is preferred, this court has held that oral notice of alleged violations may be sufficient." *State v. Patton*, 2016-Ohio-4867, 68 N.E.3d 273, ¶ 9 (8th Dist.). This is true "when the oral statements 'explain the basis of the revocation proceeding,' 'provide adequate notice to the probationer,' and 'provide a record for appellate review of the revocation hearing.'" *Id.* at ¶ 9, quoting *State v. Washington*, 8th Dist. Cuyahoga Nos. 101157 and 101170, 2015-Ohio-305, ¶ 22, citing *State v. Lenard*, 8th Dist. Cuyahoga No. 93373, 2010-Ohio-81, ¶ 10-11, citing *Lakewood v. Sullivan*, 8th Dist. Cuyahoga No. 79382, 2002-Ohio-2134, ¶ 26.

Id. at ¶ 16-17. In this case the appellant received the Warrant, which contained details regarding his alleged community control violations. The trial court explained to the appellant during the hearing the exact nature of his alleged community control violations, his rights regarding the court's procedures for addressing them, and his rights during the proceedings,

including the right to counsel. The appellant chose to admit to the violations regardless of the court's detailed recitation of his rights. Despite the appellant's admission, the trial court heard evidence from the appellant's community control supervisor, Officer Corbett, regarding the details of the appellant's violations. The trial court did not err when it found the appellant violated the terms of his community control and imposed the balance of his original sentence, and the appellant's assignments of error one and two are without merit.

CONCLUSION

{¶16} Based upon the foregoing, we overrule the appellant's assignments of error numbers one and two and affirm the decision of the Cambridge Municipal Court.

{¶17} Costs to appellant.

By: Baldwin, P.J.

Popham, J. and

Gormley, J. concur.