

COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT,
CHAMPAIGN COUNTY

State v. Mallow

2026-Ohio-2204 · No. 2025-CA-26 · Decided June 12, 2026

SUMMARY

The Ohio Second District Court of Appeals affirmed judgments revoking Zakye Ryan Mallow’s community control and imposing a 36-month prison sentence, as well as imposing a concurrent one-year sentence and fine for trafficking in marijuana. The court held that the sentence imposed after the community-control violations was within the statutory range, complied with the sentencing statutes, and was not clearly and convincingly contrary to law or unsupported by the record.

CASE DETAILS

COURT	Court of Appeals of Ohio, Second Appellate District, Champaign County
WRITING FOR THE COURT	Christopher B. Epley; Tucker, J.; Huffman, J.
JURISDICTION	Ohio Court of Appeals, Second Appellate District, Champaign County
DECIDED	June 12, 2026
DOCKET	2025-CA-26
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mallow appealed judgments of the Champaign County Court of Common Pleas revoking his community control and imposing a 36-month prison sentence, and imposing a concurrent one-year sentence and \$500 fine for trafficking in marijuana.
STANDARD OF REVIEW	Under R.C. 2953.08(G)(2), the appellate court may increase, reduce, or modify a sentence, or vacate and remand for resentencing, only if it clearly and convincingly finds that the record does not support specified findings or that the sentence is contrary to law.
PRECEDENTIAL VALUE	published
PARTIES	Zakye Ryan Mallow v. State of Ohio

TOPICS

- sentencing
- probation
- standard of review
- appellate procedure
- criminal procedure

PRACTICE AREAS

criminal law

criminal sentencing

community control

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court's 36-month prison sentence following revocation of community control was contrary to law or clearly and convincingly unsupported by the record under R.C. 2953.08(G)(2).
2. Whether R.C. 2929.11 required the trial court to impose a more lenient sentence.
3. Whether the judgment in the marijuana-trafficking case should be reviewed when Mallow raised no assignment of error concerning that case.

HOLDINGS

1. An appellate court may disturb a sentence imposed after revocation of community control only when it clearly and convincingly finds that the record does not support specified statutory findings or that the sentence is contrary to law.
2. The 36-month prison sentence was not clearly and convincingly unsupported by the record or contrary to law.
3. When a felony sentence is imposed after consideration of R.C. 2929.11 and R.C. 2929.12, an appellate court does not analyze whether the sentence is unsupported by the record on the basis that the court would have weighed those factors differently.

KEY QUOTATIONS

“a revocation of community control punishes the failure to comply with the terms and conditions of community control, not the specific conduct that led to the revocation.” (¶ 17)

“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.” (¶ 18)

“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.”” (¶ 24)

FACTUAL BACKGROUND

Mallow pleaded guilty to obstructing justice after planning an assault with Daniel Clark, for which the felonious-assault counts were dismissed, and he received four years of community control. He later violated conditions by using and possessing marijuana and traveling out of state without permission, and he pleaded guilty to trafficking in marijuana. At sentencing, the trial court considered his continued marijuana use, poor compliance with programming and employment requirements, threatening and retaliatory statements, and other conduct before revoking community control and imposing 36 months in prison.

PROCEDURAL HISTORY

Mallow pleaded guilty to obstructing justice in 2023 after two felonious-assault counts were dismissed and received four years of community control. After later admitting violations of community-control conditions and

pleading guilty to trafficking in marijuana, the trial court revoked community control and imposed a 36-month prison sentence, concurrent with a one-year sentence in the marijuana case. The Second District affirmed both judgments; the marijuana judgment was summarily affirmed because Mallow raised no assignment of error concerning that case.

DISPOSITION

affirmed

CASES CITED

- State v. Black, 2011-Ohio-1273, ¶ 17 (2d Dist.)
- State v. Monroe, 2020-Ohio-597, ¶ 41 (2d Dist.)
- State v. Howard, 2020-Ohio-3195, ¶ 22
- State v. Von Ward, 2016-Ohio-5733 (2d Dist.)
- State v. Marcum, 2016-Ohio-1002
- State v. King, 2024-Ohio-5347, ¶ 11 (2d Dist.)
- State v. King, 2013-Ohio-2021, ¶ 45 (2d Dist.)
- State v. Trent, 2021-Ohio-3698, ¶ 15
- State v. Brown, 2017-Ohio-8416, ¶ 74
- State v. Bittner, 2019-Ohio-3834, ¶ 18 (12th Dist.)
- State v. Jones, State v. Jones, 2020-Ohio-6729, ¶ 39
- State v. McDaniel, 2021-Ohio-1519, ¶ 11 (2d Dist.)
- State v. Bryant, 2022-Ohio-1878

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