

OHIO COURT OF APPEALS, THIRD APPELLATE DISTRICT

State v. Krouse

2026-Ohio-409 · No. 14-25-33 · Decided February 9, 2026

SUMMARY

The Ohio Third District Court of Appeals held that a twelve-month prison term imposed for violating community control was not subject to the ninety-day limitation for technical violations because the violation included a new felony offense. However, the court held that the trial court abused its discretion by ordering the reserved sentence to run consecutively to a sentence in another case without previously notifying the defendant that consecutive service was possible. The judgment was affirmed in part, reversed in part, and remanded.

CASE DETAILS

COURT	Ohio Court of Appeals, Third Appellate District
WRITING FOR THE COURT	John R. Willamowski; William R. Zimmerman; Juergen A. Waldick
JURISDICTION	Ohio Court of Appeals, Third Appellate District
DECIDED	February 9, 2026
DOCKET	14-25-33
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Krouse appealed from the Union County Court of Common Pleas judgment imposing a twelve-month prison term for violating community-control sanctions and ordering the term to run consecutively to a sentence in a new Logan County case.
STANDARD OF REVIEW	A sentence imposed for a community-control violation is reviewed for abuse of discretion. An abuse of discretion exists when the court's reasons are clearly untenable, legally incorrect, or amount to a denial of justice, or when the judgment is not justified by reason and the evidence.
PRECEDENTIAL VALUE	published; precedential Ohio Court of Appeals opinion
PARTIES	Dustin T. Krouse v. State of Ohio

TOPICS

- probation
- sentencing
- criminal procedure
- statutory interpretation
- appellate procedure

PRACTICE AREAS

criminal law

criminal procedure

sentencing

community control violations

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court lawfully imposed a twelve-month prison term for Krouse's community-control violation when the violation included a new felony offense.
2. Whether the trial court abused its discretion by considering Krouse's criminal history and imposing the reserved prison term.
3. Whether the trial court could order the reserved prison term to run consecutively to the sentence for the new Logan County felony when it had not notified Krouse at the time community control was imposed that consecutive service was possible.

HOLDINGS

1. The statutory ninety-day limitation for a technical violation of community control did not apply because Krouse's violation included a new felony offense. The trial court therefore lawfully imposed the previously reserved twelve-month prison term.
2. The trial court did not abuse its discretion by imposing the reserved twelve-month prison term for the community-control violation.
3. The trial court abused its discretion by ordering the reserved prison term to be served consecutively to the Logan County sentence because it had not notified Krouse, when imposing community control, that consecutive service was possible. The reserved sentence had to be imposed concurrently.

KEY QUOTATIONS

“when a court revokes community control, it may require that the reserved prison term be served consecutively to any other sentence then existing or then imposed but only if at the time it imposed community control, it notified the offender that a consecutive sentence on revocation of community control was a possibility.” (¶ 8)

“Without the prior notification, the Jones holding requires the trial court to impose the reserved sentence concurrently to other sentences.” (¶ 9)

FACTUAL BACKGROUND

Krouse pleaded guilty to fifth-degree-felony theft and was placed on community control for five years, with a twelve-month prison term reserved for violations. While on community control, he failed to report police contact and was convicted in Logan County of a new third-degree-felony theft offense. The trial court imposed the reserved twelve-month prison term and ordered it to run consecutively to the sentence for the Logan County offense, but had not previously notified Krouse that consecutive service was possible.

PROCEDURAL HISTORY

Krouse pleaded guilty in 2021 to fifth-degree-felony theft and received five years of community control with a reserved twelve-month prison sentence. After he was convicted of a new third-degree-felony theft offense and admitted violating community-control conditions, the trial court imposed the reserved twelve-month term and ordered it served consecutively to the Logan County sentence. The Ohio Third District Court of Appeals affirmed the prison term, reversed the consecutive-sentence order, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for further proceedings consistent with the opinion, including correction of the sentence so that the reserved twelve-month prison term is served concurrently with the other sentence.

CASES CITED

- State v. Brauchler, 2024-Ohio-2994, ¶¶ 28-29 (5th Dist.)
- State v. Jones, 2022-Ohio-4485, ¶¶ 2, 15, 17-18