

SUPREME COURT OF OHIO

State v. Ballish

2026-Ohio-503 · No. 2024-0899 · Decided February 18, 2026

SUMMARY

The Supreme Court of Ohio held that the three-part test from State v. Jones does not apply to misdemeanor community-control conditions expressly authorized by statute. The court ruled that drug-and-alcohol-use monitoring authorized by R.C. 2929.27(A)(8) is reviewed only for abuse of discretion, reversed the Eleventh District Court of Appeals, and reinstated the trial court's sentencing order.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Hawkins, J.; Kennedy, C.J.; Fischer, J.; DeWine, J.; Brunner, J.; Deters, J.; Shanahan, J.
JURISDICTION	Ohio
DECIDED	February 18, 2026
DOCKET	2024-0899
DISPOSITION	reversed
PROCEDURAL POSTURE	The State appealed the Eleventh District Court of Appeals' judgment vacating Ballish's misdemeanor sentence and remanding for resentencing based on the court's application of the three-part probation-condition test from State v. Jones.
STANDARD OF REVIEW	Abuse of discretion. A statutory community-control condition is reviewed to determine whether the sentencing court acted unreasonably, arbitrarily, or unconscionably.
PRECEDENTIAL VALUE	Published and precedential Supreme Court of Ohio opinion
PARTIES	State of Ohio v. Susan Ballish

TOPICS

sentencing

probation

statutory interpretation

standard of review

appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the three-part test from *State v. Jones* applies to a community-control condition that the General Assembly has expressly authorized by statute.
2. Whether the trial court abused its discretion by imposing drug-and-alcohol-use monitoring as a condition of Ballish's misdemeanor community control.

HOLDINGS

1. The three-part test articulated in *State v. Jones* does not apply to a community-control condition that the General Assembly has expressly authorized by statute.
2. The trial court did not abuse its discretion by imposing drug-and-alcohol-use monitoring as a condition of Ballish's one-year community-control term.
3. The *Jones* test remains applicable to additional community-control conditions devised by a sentencing court that are not expressly authorized by law.

KEY QUOTATIONS

“When the General Assembly has expressly authorized a community-control condition, the Jones test should not be applied to it. Instead, the condition should be reviewed for an abuse of discretion.” (§ 9)

“When the legislature has enumerated specific community-control sanctions, we review a sentencing court’s imposition of those sanctions for an abuse-of-discretion standard, asking whether the condition is unreasonable, arbitrary or unconscionable, not under the Jones test.” (§ 27)

“R.C. 2929.27(A)(8) authorizes a sentencing court to impose drug- and-alcohol-use monitoring as a condition of probation.” (§ 28)

FACTUAL BACKGROUND

Ballish pleaded guilty in November 2023 to one count of misdemeanor theft. The trial court imposed a suspended jail sentence and a one-year term of community control, including drug-and-alcohol-use monitoring and a prohibition on entering a bar. Ballish objected that the conditions were not reasonably related to her theft offense, but the trial court noted that she had been on probation for a DUI conviction within the preceding 18 months and rejected the objection.

PROCEDURAL HISTORY

Ballish pleaded guilty to misdemeanor theft and received a suspended jail sentence and one year of community control. The trial court imposed drug-and-alcohol-use monitoring and a bar-entry restriction as conditions of probation. The Eleventh District held that the drug-and-alcohol monitoring failed the second prong of the *Jones* test because the record did not connect drugs or alcohol to the theft offense, and it vacated the sentence and remanded. The Supreme Court of Ohio reversed and reinstated the trial court's sentencing order.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The Supreme Court reversed the Eleventh District's judgment and reinstated the trial court's sentencing order.

CASES CITED

- State v. Jones, 49 Ohio St.3d 51 (1990)
- State v. Talty, 2004-Ohio-4888
- Lakewood v. Hartman, 1999-Ohio-101
- State v. Beasley, 2018-Ohio-16, ¶ 12
- State v. Chapman, 2020-Ohio-6730
- State v. Daniel, 2023-Ohio-4035, ¶ 30
- State v. Gwynne, 2023-Ohio-3851, ¶ 10
- State v. Fischer, 2010-Ohio-6238, ¶ 22
- State v. Bourne, 2023-Ohio-2832, ¶ 20