

COURT OF APPEALS OF OHIO, FIRST APPELLATE DISTRICT, HAMILTON
COUNTY

State v. Jones

2026-Ohio-1265 · No. C-250269; C-250270 · Decided April 8, 2026

SUMMARY

The Ohio First District Court of Appeals affirmed Sparkle Jones’s conviction for permitting drug abuse under R.C. 2925.13(B), holding that the evidence of drug scales, baggies, cash, firearms, and drugs was sufficient to support the conviction. The court reversed her child-endangerment convictions under Cincinnati Municipal Code 915-3(a) and discharged her because the State presented insufficient evidence that she had custody or control of, or stood in loco parentis to, the children. The court declined to reach Jones’s preemption argument as moot.

CASE DETAILS

COURT	Court of Appeals of Ohio, First Appellate District, Hamilton County
WRITING FOR THE COURT	Bock, Judge; Kinsley, Presiding Judge; Crouse, Judge
JURISDICTION	Ohio Court of Appeals, First Appellate District, Hamilton County
DECIDED	April 8, 2026
DOCKET	C-250269; C-250270
DISPOSITION	other
PROCEDURAL POSTURE	Jones appealed her convictions after a Hamilton County Municipal Court bench trial convicted her of permitting drug abuse and two counts of child endangerment. The appeals were consolidated.
STANDARD OF REVIEW	For sufficiency of the evidence, the court views the evidence in the light most favorable to the State and asks whether a reasonable factfinder could have determined that the State proved each element beyond a reasonable doubt. The court reviewed only sufficiency because Jones did not develop a manifest-weight argument.
PRECEDENTIAL VALUE	published
PARTIES	Sparkle Jones v. State of Ohio

TOPICS

- criminal procedure
- evidence
- municipal law
- appellate procedure
- statutory interpretation

PRACTICE AREAS

criminal law

criminal procedure

evidence

municipal law

appellate procedure

QUESTIONS PRESENTED

1. Whether sufficient evidence supported Jones's conviction for permitting drug abuse under R.C. 2925.13(B).
2. Whether sufficient evidence supported Jones's child-endangerment convictions under Cincinnati Mun.Code 915-3(a), particularly the required relationship of parent, guardian, custodian, person having custody or control, or person in loco parentis.
3. Whether Cincinnati Mun.Code 915-3 was preempted by R.C. 9.68.

HOLDINGS

1. Sufficient evidence supported Jones's conviction because the presence in her leased home of drug scales, packaging baggies, large amounts of cash, firearms, and a small quantity of cocaine constituted circumstantial evidence that she knowingly permitted the premises to be used by Barnes for felony drug trafficking.
2. The child-endangerment convictions were based on insufficient evidence because the State failed to prove that Jones was the children's parent, guardian, custodian, person having custody or control, or person in loco parentis. Mere cohabitation with the children's father and the children was insufficient.

KEY QUOTATIONS

“The drug paraphernalia, multiple firearms, and cash provided circumstantial evidence of drug trafficking.”
(¶ 18)

“Cohabitation is not enough to show that Jones acted as the children’s parent or exercised custody or control over them.” (¶ 29)

“A conviction based on insufficient evidence violates a defendant’s due-process rights and precludes the state from retrying the defendant.” (¶ 30)

FACTUAL BACKGROUND

Police investigating Jones's boyfriend, Stephon Barnes, for drug trafficking obtained a warrant to search the home Jones leased and shared with Barnes and his two children. Officers found a small amount of cocaine, drug presses, numerous baggies, large amounts of cash, and multiple loaded firearms, including firearms accessible to the children. The children were not Jones's children, and the State presented no evidence that Jones acted as their parent, guardian, custodian, caretaker, or otherwise had custody or control over them.

PROCEDURAL HISTORY

A grand jury indicted Jones for permitting drug abuse under R.C. 2925.13(B), and the City later charged her with two counts of child endangerment under Cincinnati Mun.Code 915-3(a). The trial court denied Jones's motion to dismiss the child-endangerment counts on state-preemption grounds, consolidated the cases for a bench trial,

convicted Jones on all counts, and imposed a 180-day jail sentence with 177 days suspended, three days of credit, one year of probation, and no fines or costs. The appellate court affirmed the permitting-drug-abuse conviction, reversed the child-endangerment convictions for insufficient evidence, discharged Jones from further prosecution on those counts, and declined to reach the preemption assignment as moot.

DISPOSITION

other

REMAND INSTRUCTIONS

No substantive remand was ordered. The permitting-drug-abuse judgment was affirmed in appeal C-250270; the child-endangerment judgments were reversed in appeal C-250269 and Jones was discharged from further prosecution on those counts. The mandate was ordered sent to the trial court for execution.

CASES CITED

- State v. Protich, 2025-Ohio-2981, ¶¶ 10, 13 (1st Dist.)
- State v. Henderson, 2024-Ohio-2312, ¶¶ 24, 33 (1st Dist.)
- State v. Marshall, 2021-Ohio-816, ¶ 41 (1st Dist.)
- State v. Noggle, 67 Ohio St.3d 31 (1993), paragraph one of the syllabus
- State v. Thompson, 2017-Ohio-9044, ¶ 59 (7th Dist.)
- State v. Abubakar, 2011-Ohio-6299, ¶ 10 (10th Dist.)
- State v. Primous, 2020-Ohio-912, ¶ 44 (8th Dist.)
- State v. Stout, 2006-Ohio-6089, ¶ 17 (3d Dist.)
- State v. Kirk, 1994 Ohio App. LEXIS 1189, *9 (10th Dist. Mar. 24, 1994)
- State v. Gaddis, 2011-Ohio-2822, ¶ 58 (2d Dist.)
- State v. Curry, 2018-Ohio-4771, ¶ 32 (8th Dist.)
- State v. King, 2010-Ohio-2402, ¶ 23 (5th Dist.)
- State v. Sigman, 2018-Ohio-3850, ¶ 19 (12th Dist.)
- State v. Austin, 2018-Ohio-3048, ¶ 35 (8th Dist.)
- West v. Cincinnati, 2024-Ohio-1951 (1st Dist.)