

## Appellate Court Decisions - Week of 7/5/16

### First Appellate District of Ohio

*Nothing new.*

### Second Appellate District of Ohio

**State v. Dowty, 2016-Ohio-4719**

Search: Motion to Suppress

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/2/2016/2016-Ohio-4719.pdf>

The trial court did not err in suppressing the search of Appellant because before stopping Appellant's vehicle, the officer did not have a reasonable suspicion Appellant had committed a traffic offense. There is no reasonable interpretation of the traffic law requiring a driver to activate a turn signal for 100 feet before turning to apply to a vehicle in a private parking lot. Appellant was pulling out of a Walgreen's parking lot and only had 30 feet available before even entering the road.

### Third Appellate District of Ohio

*Nothing new.*

### Fourth Appellate District of Ohio

*Nothing new.*

### Fifth Appellate District of Ohio

*Nothing new.*

### Sixth Appellate District of Ohio

*Nothing new.*

### Seventh Appellate District of Ohio

**State v. Green, 2016-Ohio-4810**

Search: Motion to Suppress

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/7/2016/2016-Ohio-4810.pdf>

The trial court erred in denying Appellant's motion to suppress the search of her vehicle. Appellant was stopped for a loud exhaust. The police officer called for a canine, then wrote and issued a warning for the exhaust in one to two minutes. The drug dog took 10 minutes to arrive and another three to search the vehicle. Under those facts, the dog sniff extended the stop beyond the time reasonably required to complete the traffic investigation for the loud exhaust, and the fruits of the search should have been suppressed.

### Eighth Appellate District of Ohio

***State v. Poutney, 2016-Ohio-4866***

Drug Possession: Sufficiency

Full Decision:

<http://www.supremecourt.ohio.gov/rod/docs/pdf/8/2016/2016-Ohio-4866.pdf>

Appellant was convicted of a second-degree felony drug possession for having five times the bulk amount of fentanyl. However, the state failed to prove beyond a reasonable doubt that Appellant possessed the requisite bulk amount of fentanyl, and therefore should have been convicted of fifth-degree felony possession, not second-degree. Although the state presented an expert, the expert could not testify to what the "bulk amount" of the fentanyl patches was. He could not do so because the standard pharmaceutical reference manual he used did not contain a bulk amount for fentanyl, and he could only relate it to morphine.

### Ninth Appellate District of Ohio

*Nothing new.*

### Tenth Appellate District of Ohio

***State v. Edwards, 2016-Ohio-4771***

Search: Motion to Suppress

**Full Decision:**

<http://www.supremecourt.ohio.gov/rod/docs/pdf/10/2016/2016-Ohio-4771.pdf>

**The trial court erred in denying Appellant's motion to suppress the search of his vehicle where it failed to make essential findings of fact in ruling on the motion.**

**Eleventh Appellate District of Ohio**

*Nothing new.*

**Twelfth Appellate District of Ohio**

*Nothing new.*

**Supreme Court of Ohio**

*Nothing new.*

**Sixth Circuit Court of Appeals**

*Nothing new.*