

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

State v. Cope

2025-Ohio-5321 · No. 30457 · Decided November 26, 2025

SUMMARY

The Ohio Second District Court of Appeals reversed Alexander Cope’s conviction for aggravated possession of drugs and remanded the case. The court held that deputies lacked a reasonable, objective basis to pat Cope down for weapons during a traffic stop, and therefore the trial court erred in denying his motion to suppress evidence obtained from the pat-down.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                               |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Ohio, Second Appellate District, Montgomery County                                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | Ronald C. Lewis; Huffman, J.; Hanseman, J.                                                                                                                                                                                                                                                                    |
| JURISDICTION          | Ohio Court of Appeals, Second Appellate District, Montgomery County                                                                                                                                                                                                                                           |
| DECIDED               | November 26, 2025                                                                                                                                                                                                                                                                                             |
| DOCKET                | 30457                                                                                                                                                                                                                                                                                                         |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                                                                                                                                                         |
| PROCEDURAL POSTURE    | Criminal appeal from a judgment of conviction following a no contest plea, challenging the denial of a motion to suppress evidence obtained during a traffic-stop pat-down.                                                                                                                                   |
| STANDARD OF REVIEW    | Appellate review of a motion to suppress presents a mixed question of law and fact. The appellate court accepts the trial court's factual findings when supported by competent, credible evidence but independently determines, without deference, whether those facts satisfy the applicable legal standard. |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                                                                                     |
| PARTIES               | Alexander Cope v. State of Ohio                                                                                                                                                                                                                                                                               |

TOPICS

- fourth amendment
- search and seizure
- suppression of evidence
- criminal procedure
- appellate procedure

## PRACTICE AREAS

criminal procedure

constitutional law

appellate procedure

evidence

## QUESTIONS PRESENTED

1. Whether the deputies had a reasonable, objective basis under the Fourth Amendment and *Terry v. Ohio* to conduct a protective pat-down of Cope after ordering him out of a lawfully stopped vehicle.
2. Whether the trial court erred in denying Cope's motion to suppress evidence obtained as a result of the pat-down.

## HOLDINGS

1. A lawful *Mimms* order permitting officers to remove a passenger from a vehicle does not automatically authorize a pat-down. The State must establish, under the totality of the circumstances, a reasonable, objective basis to believe that the person is armed and dangerous. The deputies failed to establish such a basis here.

## KEY QUOTATIONS

*“Rather, the State must establish, based on the totality of the circumstances, that the officer had a reasonable, objective basis for frisking defendant after ordering him out of the car.”* (§ 22)

*“To hold otherwise would allow the *Terry* stop exception to swallow the rule against warrantless searches in any traffic stop involving a canine free-air sniff.”* (§ 29)

*“But the term “officer safety” cannot be used as a talisman to justify a pat-down where there exists no reasonable, objective basis for conducting a pat-down.”* (§ 31)

## FACTUAL BACKGROUND

Deputies stopped a vehicle in which Cope was a passenger for an expired license-plate sticker and failure to signal at least 100 feet before a turn. After ordering the occupants out in preparation for a canine free-air sniff, Deputy Munn conducted a pat-down of Cope based primarily on a department policy and reports that other vehicles had previously left the same residence with firearms or narcotics. During the pat-down, Munn felt a large, weighted object, began to handcuff Cope, and Cope stated that the object was methamphetamine.

## PROCEDURAL HISTORY

A Montgomery County grand jury indicted Cope for aggravated possession of drugs. After the trial court denied his motion to suppress, Cope changed his plea from not guilty to no contest, was convicted, and received a two-year minimum to three-year maximum prison sentence. The Court of Appeals reversed and remanded.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The cause was remanded for further proceedings consistent with the opinion.

#### **CASES CITED**

- State v. Burnside, 2003-Ohio-5372
- State v. Brooks, 75 Ohio St.3d 148 (1996)
- State v. Fanning, 1 Ohio St.3d 19 (1982)
- State v. McNamara, 124 Ohio App.3d 706 (4th Dist.)
- Pennsylvania v. Mimms, 434 U.S. 106 (1977)
- State v. Evans, 67 Ohio St.3d 405 (1993)
- State v. Andrews, 57 Ohio St.3d 86 (1991)
- State v. Lozada, 92 Ohio St.3d 74 (2001)
- Terry v. Ohio, 392 U.S. 1 (1968)
- State v. Holley, 2004-Ohio-4264 (2d Dist.)
- State v. Stephenson, 2015-Ohio-233 (12th Dist.)

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