

COURT OF APPEALS OF OHIO, SIXTH APPELLATE DISTRICT, LUCAS COUNTY

State of Ohio/City of Sylvania v. Christopher R. Eitniew Jr.

2025-Ohio-5445 (Ohio Ct. App. 2025) · No. 6th Dist. Lucas County Nos. L-24-1261 and L-24-1280 · Decided December 5, 2025

SUMMARY

The Sixth District Court of Appeals of Ohio affirmed Christopher R. Eitniew Jr.'s convictions for speeding and operating a vehicle while intoxicated. The court held that the arresting officer was competent to testify under R.C. 4549.14 and Evid.R. 601(B)(4) because he was not on duty for the exclusive or main purpose of enforcing traffic laws, despite using a vehicle that did not comply with R.C. 4549.13.

CASE DETAILS

COURT	Court of Appeals of Ohio, Sixth Appellate District, Lucas County
WRITING FOR THE COURT	Christine E. Mayle, J.; Thomas J. Osowik, J.; Myron C. Duhart, J.
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Lucas County
DECIDED	December 5, 2025
DOCKET	6th Dist. Lucas County Nos. L-24-1261 and L-24-1280
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed from the denial of his motion to suppress and the Sylvania Municipal Court's judgment convicting him, following a no-contest plea, of operating a vehicle while intoxicated and speeding.
STANDARD OF REVIEW	The trial court's determination of witness competency under R.C. 4549.14 and Evid.R. 601(B)(4) is reviewed for abuse of discretion. An abuse of discretion is a decision that is unreasonable, arbitrary, or unconscionable.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals decision
PARTIES	Christopher R. Eitniew Jr. v. State of Ohio, City of Sylvania

TOPICS

- suppression of evidence
- evidence
- statutory interpretation
- standard of review
- appellate procedure

PRACTICE AREAS

criminal procedure

evidence

appellate procedure

statutory interpretation

QUESTIONS PRESENTED

1. Whether Officer Heber was incompetent to testify under R.C. 4549.14 and Evid.R. 601(B)(4) because he was operating a vehicle that did not comply with R.C. 4549.13.
2. Whether Officer Heber was on duty for the exclusive or main purpose of enforcing traffic laws during the relevant shift.
3. Whether the trial court abused its discretion by denying Eitnienar's motion to suppress.

HOLDINGS

1. Whether an officer is on duty for the exclusive or main purpose of enforcing traffic laws is determined by examining the officer's main purpose for the whole period of duty, not merely the officer's conduct during the apprehension and arrest.
2. Although Officer Heber's vehicle lacked the equipment required by R.C. 4549.13, Heber was not incompetent to testify under R.C. 4549.14 and Evid.R. 601(B)(4) because Eitnienar failed to show that Heber was on duty for the exclusive or main purpose of enforcing traffic laws.
3. The trial court did not abuse its discretion by denying Eitnienar's motion to suppress.

KEY QUOTATIONS

"It held that this phrase "refer[s] to the officer's main purpose for his whole period of duty and not to his duty during the apprehension and arrest of the suspect." (¶ 12)

"Although Officer Heber was using a motor vehicle that did not have a flashing, oscillating, or rotating colored light mounted outside on top of the vehicle as required under R.C. 4549.13, the trial court did not abuse its discretion when it concluded that he was not on duty for the exclusive or main purpose of enforcing traffic laws." (¶ 20)

FACTUAL BACKGROUND

Officer Richard Heber stopped Christopher Eitnienar, Jr. for driving 49 miles per hour in a 35-mile-per-hour zone. Heber detected an odor of alcohol, observed that Eitnienar's eyes were bloodshot and glassy, and learned that Eitnienar had consumed two beers; Eitnienar also exhibited six clues on the horizontal gaze nystagmus test and had a .049 breath-alcohol concentration. Heber was operating a police vehicle without the flashing, oscillating, or rotating colored light required by R.C. 4549.13, but testimony showed that his shift involved multiple duties beyond traffic enforcement, including responding to calls, checking businesses and homes, and general patrol.

PROCEDURAL HISTORY

Eitnienar was charged with operating a vehicle under the influence under R.C. 4511.19(B)(3) and R.C. 4511.19(A)(1)(a), and with speeding under the Sylvania Municipal Code. The municipal court denied his motion to suppress testimony by Officer Heber, after which Eitnienar pleaded no contest to all charges. The court vacated

the finding of guilt on the underage-offender charge, the State dismissed that charge, and the court sentenced Eitniet on the remaining OVI and speeding charges. The appellate court affirmed.

DISPOSITION

affirmed

CASES CITED

- W. Unity v. Hill, 1993 WL 306574, *3 (6th Dist. June 30, 1993)
- State v. Cass, 2018-Ohio-4405, ¶ 23 (5th Dist.)
- Columbus v. Robbins, 61 Ohio App.3d 324, 327 (10th Dist. 1989)
- State v. Auxter, 1996 WL 475926, *1 (6th Dist. Aug. 23, 1996)
- Blakemore v. Blakemore, 5 Ohio St.3d 217, 219 (1983)
- Hageman v. Bryan City Schools, 2019-Ohio-223, ¶ 13 (10th Dist.)
- Porter, Wright, Morris & Arthur, LLP v. Frutta del Mondo, Ltd., 2008-Ohio-3567, ¶ 11 (10th Dist.)
- State v. Huth, 24 Ohio St.3d 114, 115-16 (1986)
- Dayton v. Adams, 9 Ohio St.2d 89, 90 (1967)
- Columbus v. Stump, 41 Ohio App.2d 81, 85 (10th Dist. 1974)
- City of Bowling Green v. Kirby, 1992 WL 32100, *2 (6th Dist. Feb. 21, 1992)