

OHIO COURT OF APPEALS, FIFTH APPELLATE DISTRICT, TUSCARAWAS  
COUNTY

State v. Sickels

2026-Ohio-1732 · No. 2025 AP 07 0028 · Decided May 12, 2026

SUMMARY

The Ohio Court of Appeals, Fifth Appellate District, affirmed Richard L. Sickels's convictions and 48-month prison sentence arising from a fatal automobile crash. The court held that blood and urine test results withdrawn and analyzed by a health-care provider could be admitted with expert testimony without requiring substantial compliance with the Ohio Administrative Code at the suppression stage. The court also rejected Sickels's confrontation and discovery-violation arguments.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                 |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Ohio Court of Appeals, Fifth Appellate District, Tuscarawas County                                                                                                                                                                                                                                                              |
| WRITING FOR THE COURT | Andrew J. King, P.J.; William B. Hoffman, J.; Craig R. Baldwin, J.                                                                                                                                                                                                                                                              |
| JURISDICTION          | Ohio Court of Appeals, Fifth Appellate District, Tuscarawas County                                                                                                                                                                                                                                                              |
| DECIDED               | May 12, 2026                                                                                                                                                                                                                                                                                                                    |
| DOCKET                | 2025 AP 07 0028                                                                                                                                                                                                                                                                                                                 |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Defendant appealed from his conviction and sentence in the Tuscarawas County Court of Common Pleas, challenging the denial of his motion to suppress hospital blood and urine testing, the absence of the testing technician at the suppression hearing, and the timing of the State's disclosure of the technician's identity. |
| STANDARD OF REVIEW    | Appellate review of a motion to suppress presents a mixed question of law and fact. The reviewing court defers to supported factual findings but independently determines whether the applicable legal standard was met; application of law to the facts is reviewed de novo.                                                   |
| PRECEDENTIAL VALUE    | published                                                                                                                                                                                                                                                                                                                       |
| PARTIES               | Richard L. Sickels v. State of Ohio                                                                                                                                                                                                                                                                                             |

TOPICS

- suppression of evidence
- criminal procedure
- sixth amendment
- discovery criminal
- appellate procedure

## PRACTICE AREAS

criminal procedure

evidence

appellate procedure

constitutional law

statutory interpretation

## QUESTIONS PRESENTED

1. Whether the trial court erred by denying suppression of blood and urine test results obtained and analyzed by a private hospital without the expert testimony or substantial compliance with Ohio administrative regulations asserted by Sickels.
2. Whether the absence of the laboratory technician at the suppression hearing violated Sickels's Sixth Amendment right of confrontation.
3. Whether the State's disclosure of the laboratory technician's identity after the suppression hearing and shortly before the scheduled trial constituted a prejudicial discovery violation.

## HOLDINGS

1. When blood or urine is withdrawn and analyzed by a health care provider during medical treatment, the State is not required at the suppression hearing to establish substantial compliance with the Ohio Administrative Code under the preamendment Mayl framework. The results may be admitted with expert testimony at trial under R.C. 4511.19(D)(1)(a).
2. The Sixth Amendment right of confrontation does not constitutionally compel the State to produce the laboratory technician for cross-examination at a pretrial suppression hearing.
3. The alleged late disclosure of the laboratory technician's identity did not warrant relief because the case never proceeded to trial, Sickels failed to show prejudice, and he forfeited the prejudice argument by proceeding with the suppression hearing without requesting a continuance.

## KEY QUOTATIONS

*“Appellate review of a motion to suppress presents a mixed question of law and fact.” (¶ 16)*

*“The right to confrontation, which includes the right to physically face and cross-examine witnesses, is not a constitutionally compelled rule of pretrial proceedings.” (¶ 33)*

*“A suppression hearing does not determine guilt or innocence of a defendant.” (¶ 30)*

## FACTUAL BACKGROUND

On March 17, 2024, Richard Sickels crashed his Dodge Challenger, killing his wife and seriously injuring himself and two passengers. Officers detected an odor of alcohol, and a passenger reported that Sickels had been drinking. At the hospital, Cleveland Clinic Mercy personnel collected blood and urine for medical treatment; testing showed alcohol and various substances, and Sickels later admitted consuming alcohol before the crash.

## PROCEDURAL HISTORY

After a fatal automobile crash, Sickels was indicted on aggravated vehicular homicide, aggravated vehicular assault, and OVI charges. He moved to suppress blood and urine test results obtained and analyzed by Cleveland

Clinic Mercy Hospital. Following an evidentiary hearing, the trial court denied suppression. The State dismissed several counts, Sickels entered no-contest pleas to aggravated vehicular homicide, OVI, and vehicular assault, and the court sentenced him to 48 months in prison. The court of appeals affirmed.

## DISPOSITION

affirmed

## CASES CITED

- State v. Burnside, 2003-Ohio-5372
- State v. Dunlap, 73 Ohio St.3d 308
- State v. Fanning, 1 Ohio St.3d 19
- State v. Long, 127 Ohio App.3d 328 (4th Dist. 1998)
- State v. Medcalf, 111 Ohio App.3d 142 (4th Dist. 1996)
- State v. McNamara, 124 Ohio App.3d 706 (4th Dist. 1997)
- Ornelas v. United States, 517 U.S. 690 (1996)
- State v. Mayl, 2005-Ohio-4629
- State v. Davenport, 2009-Ohio-557 (12th Dist.)
- State v. Williams, 2020-Ohio-1367 (1st Dist.)
- State v. Persinger, 2016-Ohio-858 (3d Dist.)
- State v. Bugg, 2018-Ohio-2544 (9th Dist.)
- State v. Hassler, 2007-Ohio-4947
- State v. Baker, 2017-Ohio-451
- State v. Morris, 2012-Ohio-3210 (5th Dist.)
- State v. Schubert, 2012-Ohio-1478 (5th Dist.)
- State v. Schubert, 2022-Ohio-4604
- State v. Rhines, 2011-Ohio-3615 (2d Dist.)
- United States v. Matlock, 415 U.S. 164 (1974)
- State v. Childers, 2011-Ohio-6742 (5th Dist.)
- Crawford v. Washington, 541 U.S. 36 (2004)
- Melendez-Diaz v. Massachusetts, 557 U.S. 305 (2009)
- Bullcoming v. New Mexico, 564 U.S. 647 (2011)
- Pennsylvania v. Ritchie, 480 U.S. 39 (1987)
- State v. Wells, 2004-Ohio-1026 (2d Dist.)

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