

COURT OF APPEALS OF OHIO, NINTH JUDICIAL DISTRICT, SUMMIT
COUNTY

State v. Carter

2023-Ohio-3452 (Ohio Ct. App. 2023) · No. C.A. No. 30332 · Decided September 27, 2023

SUMMARY

The Ninth District Court of Appeals of Ohio affirmed Jonah Lamar Carter’s convictions for improperly handling a firearm in a motor vehicle and possession of marijuana, along with a weapon-forfeiture specification. The court held that the traffic stop was supported by reasonable suspicion, declined to address an unpreserved constitutional challenge to R.C. 2923.16, and concluded that sufficient evidence supported the marijuana-possession conviction.

CASE DETAILS

COURT	Court of Appeals of Ohio, Ninth Judicial District, Summit County
WRITING FOR THE COURT	Betty Sutton, Presiding Judge; Betty Sutton; Stevenson; Flagg; Lanzinger
JURISDICTION	Ohio
DECIDED	September 27, 2023
DOCKET	C.A. No. 30332
DISPOSITION	affirmed
PROCEDURAL POSTURE	Carter appealed his judgment of conviction after the Summit County Court of Common Pleas denied his motion to suppress, entered convictions following a jury trial, and imposed two years of community control.
STANDARD OF REVIEW	Factual findings on a motion to suppress are reviewed for competent, credible evidence, while the application of the law to those facts is reviewed de novo. Sufficiency of the evidence is reviewed de novo, viewing the evidence in the light most favorable to the State and asking whether any rational trier of fact could find the essential elements proven beyond a reasonable doubt. Constitutional arguments not raised in the trial court are generally forfeited; plain error will not be considered sua sponte when the appellant does not argue it.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion

TOPICS

suppression of evidence

fourth amendment

search and seizure

criminal procedure

appellate procedure

PRACTICE AREAS

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criminal procedure

constitutional law

evidence

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QUESTIONS PRESENTED

1. Whether the trial court's factual findings concerning the traffic stop were supported by competent, credible evidence.
2. Whether the officers had reasonable, articulable suspicion under the Fourth Amendment to initiate the traffic stop after learning that the registered owner had a suspended driver's license and observing a driver who matched the owner's description.
3. Whether Carter forfeited his constitutional challenge to R.C. 2923.16 by failing to raise it in the trial court and failing to argue plain error on appeal.
4. Whether sufficient evidence supported Carter's conviction for marijuana possession.

HOLDINGS

1. The trial court's factual findings were supported by competent, credible evidence because both officers testified that the vehicle's registered owner had a suspended license and that the driver matched the owner's photograph and description.
2. The officers lawfully stopped the vehicle because they had reasonable, articulable suspicion that the driver was operating with a suspended license. The officers' observation that the driver matched the registered owner's photograph and description supported the inference that the registered owner was driving, and the stop therefore did not violate the Fourth Amendment.
3. Carter forfeited his constitutional challenge to R.C. 2923.16 by failing to raise it in the trial court, and the appellate court declined to conduct a plain-error analysis because Carter did not argue plain error on appeal.
4. Sufficient evidence supported Carter's conviction for knowingly possessing marijuana because the evidence showed an odor of marijuana, Carter's admission that marijuana was in the vehicle, discovery of a substance in the vehicle, and expert testing establishing a delta-9 THC concentration qualifying the substance as marijuana.

KEY QUOTATIONS

“Appellate review of a motion to suppress presents a mixed question of law and fact. When considering a motion to suppress, the trial court assumes the role of trier of fact and is therefore in the best position to resolve factual questions and evaluate the credibility of witnesses.” (¶ 9)

“We hold that when the officer lacks information negating an inference that the owner is the driver of the vehicle, the stop is reasonable.” (¶ 15)

“The evidence is sufficient if it allows the trier of fact to reasonably conclude that the essential elements of the crime were proven beyond a reasonable doubt.” (¶ 22)

FACTUAL BACKGROUND

Police officers observed a silver Honda during a traffic patrol, ran its license plate, and learned that the registered owner had a suspended driver's license. They testified that the driver appeared to match the registered owner's driver's-license photograph and description, prompting the traffic stop. During the stop, an officer smelled marijuana, Carter admitted that marijuana was in the vehicle, and officers found a substance in a backpack that testing showed contained 14.5 percent delta-9 THC. A jury convicted Carter of improperly handling firearms in a motor vehicle, a weapon-forfeiture specification, and marijuana possession, but acquitted him of marijuana trafficking.

PROCEDURAL HISTORY

After a traffic stop, Carter was charged with improperly handling firearms in a motor vehicle, marijuana trafficking, marijuana possession, and a weapon-forfeiture specification. The trial court denied his motion to suppress. A jury convicted him of improperly handling firearms, the forfeiture specification, and marijuana possession, acquitted him of marijuana trafficking, and the court sentenced him to two years of community control. Carter timely appealed, raising suppression, constitutional, and sufficiency-of-the-evidence assignments of error.

DISPOSITION

affirmed

CASES CITED

- State v. Burnside, 100 Ohio St.3d 152, 2003-Ohio-5372, ¶ 8
- State v. Howard, 9th Dist. Wayne No. 21AP0034, 2022-Ohio-3958, ¶ 5
- State v. Booth, 9th Dist. Medina No. 02CA0061-M, 2003-Ohio-829, ¶ 12
- Terry v. Ohio, 392 U.S. 1 (1968)
- Delaware v. Prouse, 440 U.S. 648 (1979)
- State v. Epling, 105 Ohio App.3d 663, 664 (9th Dist. 1995)
- State v. VanScoder, 92 Ohio App.3d 853, 855 (9th Dist. 1994)
- State v. Mack, 9th Dist. Summit No. 24328, 2009-Ohio-1056, ¶¶ 7, 9
- State v. Blair, 9th Dist. Summit No. 24208, 2008-Ohio-6257, ¶ 5
- State v. Johnson, 9th Dist. Medina No. 03CA127-M, 2004-Ohio-3409, ¶ 11
- Whren v. United States, 517 U.S. 806 (1996)
- State v. Wilhelm, 81 Ohio St.3d 444 (1998)

- Dayton v. Erickson, 76 Ohio St.3d 3 (1996)
- State v. Barbee, 9th Dist. Lorain No. 07CA009183, 2008-Ohio-3587, ¶ 9
- Kansas v. Glover, 589 U.S. 376, 140 S.Ct. 1183 (2020)
- State v. Graves, 9th Dist. Medina No. 2202, 1993 WL 261562 (July 14, 1993)
- State v. Krowiak, 9th Dist. Medina No. 21CA0003-M, 2022-Ohio-413, ¶ 37
- State v. Awan, 22 Ohio St.3d 120 (1986), syllabus
- State v. McCraw, 9th Dist. Summit No. 14CA0009-M, 2015-Ohio-3809, ¶ 5
- State v. Hairston, 9th Dist. Lorain No. 05CA008768, 2006-Ohio-4925, ¶ 9
- State v. Williams, 9th Dist. Summit No. 24731, 2009-Ohio-6955, ¶ 18
- State v. Thompson, 78 Ohio St.3d 380, 386, 390 (1997)
- Jackson v. Virginia, 443 U.S. 307, 319 (1979)
- State v. Jenks, 61 Ohio St.3d 259, 273 (1991)
- State v. Yarbrough, 95 Ohio St.3d 227, 2002-Ohio-2126, ¶ 80
- Lockhart v. Nelson, 488 U.S. 33, 40-42 (1988)
- State v. Dotson, 7th Dist. Mahoning No. 16 MA 0105, 2018-Ohio-2481, ¶ 64