

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,
CUYAHOGA COUNTY

City of Cleveland v. Glover

2026-Ohio-1039 · No. 114796 · Decided March 26, 2026

SUMMARY

The Ohio Eighth District Court of Appeals affirmed the denial of Teasia Glover’s motion to suppress Intoxilyzer 8000 breath-test results. The court held that the City of Cleveland demonstrated substantial compliance with Ohio administrative regulations because the dry-gas certificate of analysis stated that the standards were traceable to the National Institute of Standards and Technology, and Glover failed to rebut the resulting presumption of admissibility.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Deena R. Calabrese, J.; Mary J. Boyle, P.J.; Eileen A. Gallagher, J.
JURISDICTION	Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County
DECIDED	March 26, 2026
DOCKET	114796
DISPOSITION	affirmed
PROCEDURAL POSTURE	Defendant appealed the Cleveland Municipal Court's denial of her motion to suppress Intoxilyzer 8000 breath-test results after entering no-contest pleas and being convicted of operating a motor vehicle with a prohibited alcohol concentration.
STANDARD OF REVIEW	A motion to suppress presents a mixed question of law and fact. The appellate court accepts factual findings supported by competent, credible evidence and reviews legal questions de novo.
PRECEDENTIAL VALUE	Published and precedential under the source metadata.
PARTIES	Teasia Glover v. City of Cleveland

TOPICS

- suppression of evidence
- evidence
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the City established substantial compliance with R.C. 4511.19(D) and Ohio Adm.Code 3701-53 when it introduced a dry-gas supplier's certificate stating that the standards were traceable to NIST.
2. Whether the testimony of the testing officer's lack of knowledge concerning the certificate, batch identification, dry-gas origin, chain of custody, and NIST traceability rebutted the presumption that the breath-test results were admissible.

HOLDINGS

1. The City established substantial compliance with Ohio Adm.Code 3701-53-05 by introducing the dry-gas supplier's certificate of analysis stating that the standards used were capable of producing results traceable to NIST. The Intoxilyzer 8000 breath-test results were therefore presumed admissible.
2. Glover did not rebut the presumption of admissibility merely by pointing to the officer's inability to answer questions about the certificate, batch numbers, dry-gas origin, chain of custody, or the basis for NIST traceability.

KEY QUOTATIONS

“Rigid compliance with the Ohio Department of Health regulations is not required.” (¶ 23)

“The City met its burden of demonstrating substantial compliance with Adm.Code 3701-53-05 when it introduced the dry gas supplier’s certificate of analysis showing traceability to NIST standards.” (¶ 30)

FACTUAL BACKGROUND

Trooper Mykol Gardiner stopped Glover after observing her drive 71 m.p.h. in a 60 m.p.h. zone, cross the fog line three times, and strike the curb while pulling over. He detected an odor of alcohol, observed red and glossy eyes, heard Glover admit drinking, and observed impairment clues during standardized field sobriety tests. Glover's Intoxilyzer 8000 breath test measured .093 g/210L, and the City introduced the dry-gas supplier's certificate stating that the calibration standards were traceable to NIST.

PROCEDURAL HISTORY

Following a traffic stop and arrest, Glover moved to suppress her breath-test results. After a suppression hearing, the Cleveland Municipal Court denied the motion. Glover then entered no-contest pleas to two OVI counts; the trial court found her guilty under R.C. 4511.19(A)(1)(d), imposed sentence, and she appealed the suppression ruling. The Eighth District affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The Cleveland Municipal Court was directed to execute the judgment and sentence. The court ordered a special mandate to issue; bail pending appeal was terminated.

CASES CITED

- State v. Burnside, 2003-Ohio-5372, ¶ 8
- State v. Tidwell, 165 Ohio St.3d 57, 60 (2021)
- State v. Fanning, 1 Ohio St.3d 19, 20 (1982)
- State v. Plummer, 22 Ohio St.3d 292, 294 (1986)
- State v. Baker, 2016-Ohio-451, ¶ 23
- State v. Farrell, 2021-Ohio-1554 (6th Dist.)
- State v. Dye, 2021-Ohio-3513 (6th Dist.)
- State v. Murphy, 2023-Ohio-1419, ¶ 30 (6th Dist.)