

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

Cleveland v. Shaker Hts. Apts. Owner, L.L.C.

2026-Ohio-449 · No. 114852, 114853, 114854 · Decided February 12, 2026

SUMMARY

The Ohio Eighth District Court of Appeals reviewed a property owner’s challenge to warrantless elevator inspections, the denial of a motion to suppress, community-control sanctions, and fines imposed after no-contest pleas. The court upheld the suppression ruling based on valid actual or apparent consent and vacated the trial court’s constitutional ruling on the administrative-inspection scheme as unnecessary. It also vacated the fines because they exceeded the statutory maximum for an organizational defendant and remanded for resentencing of the fines.

CASE DETAILS

COURT	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
WRITING FOR THE COURT	Emanuella D. Groves, Presiding Judge; Deena R. Calabrese, Judge; Sean C. Gallagher, Judge
JURISDICTION	Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County
DECIDED	February 12, 2026
DOCKET	114852, 114853, 114854
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Criminal appeal by a corporate defendant following no-contest pleas and convictions in Cleveland Municipal Court, Housing Division. The defendant challenged the denial of its motion to suppress and the fines and community-control sanctions imposed at sentencing.
STANDARD OF REVIEW	Suppression motions are reviewed under a mixed standard: factual findings are accepted if supported by competent, credible evidence, while legal conclusions are reviewed de novo. Unpreserved sentencing and community-control challenges were reviewed for plain error; community-control conditions are generally reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion; precedential within the applicable Ohio appellate framework.

PARTIES

Shaker Heights Apartments Owner, LLC v. City of Cleveland

TOPICS

suppression of evidence

fourth amendment

search and seizure

sentencing

probation

PRACTICE AREAS

criminal procedure

constitutional law

municipal law

sentencing

appellate procedure

QUESTIONS PRESENTED

1. Whether the warrantless inspections violated the Fourth Amendment and the Ohio Constitution because they were not supported by a warrant, valid consent, or a constitutionally adequate administrative-inspection scheme.
2. Whether a limited liability company may receive community-control sanctions in addition to the organizational fines authorized by R.C. 2929.31.
3. Whether the imposed community-control conditions were reasonably related to rehabilitation, the offenses, and prevention of future criminality, or were impermissibly overbroad.
4. Whether the fines imposed on the organizational defendant exceeded the statutory maximum for first-degree misdemeanors.

HOLDINGS

1. The inspections were constitutionally permissible because the inspector obtained effective and voluntary consent from persons with actual or apparent authority to permit the limited inspection of the elevators and associated machine rooms.
2. The court vacated the trial court's ruling addressing the constitutionality of Cleveland's ordinances because that issue was unnecessary to resolve the suppression motion after valid consent was established.
3. R.C. 2929.31 establishes the fines applicable to an organizational defendant but does not preclude the trial court from imposing other misdemeanor penalties, including community-control sanctions under R.C. 2929.24 through 2929.28.
4. The fines were contrary to law because they exceeded the \$5,000 maximum fine permitted for an organization convicted of a first-degree misdemeanor. The fines were vacated and the matter was remanded for resentencing.
5. Some conditions were permissible because they related to elevator-code compliance, rehabilitation, and prevention of future violations, but the listed financial, property, registration, and broad reporting conditions were overbroad and failed one or more requirements of the Jones test. Those conditions were vacated.

KEY QUOTATIONS

“A warrantless search is “per se unreasonable unless an exception applies.””

“The question is whether “the facts available to the officer at the moment [would] warrant a man of reasonable caution in the belief that the consenting party had authority over the premises.””

“A community-control sanction should “reasonably relate to the offense at issue, further[] the twin goals of rehabilitation and justice, and [should] not cause a greater deprivation of liberty than is necessary to achieve those penological goals.””

“Notably, a trial court’s attempt to address outstanding notice of violations is an improper use of community-control sanctions, circumventing due process and the notice provisions of the Cleveland Codified Ordinances when the criminal conduct is unrelated to the sanctions imposed.”

FACTUAL BACKGROUND

Cleveland building inspectors identified multiple elevator-code violations at three apartment properties owned by Shaker Heights Apartments Owner, LLC. After follow-up inspections, Cleveland filed criminal complaints alleging that the company failed to correct the violations. An inspector entered the properties after being admitted by property-management personnel at two buildings and by a maintenance person at the third, and inspected the elevator machine rooms without a warrant. Following no-contest pleas, the municipal court imposed fines exceeding the statutory maximum and extensive community-control conditions addressing property management, rents, taxes, unrelated code violations, and other properties.

PROCEDURAL HISTORY

Cleveland cited Shaker Heights Apartments Owner, LLC for elevator-code violations at three Cleveland properties and filed criminal complaints alleging first-degree misdemeanors. The municipal court denied the defendant's motion to suppress, finding consent and alternatively finding the warrantless administrative inspections permissible, after which the defendant entered no-contest pleas and was found guilty. The court imposed aggregate fines of \$35,000 and extensive community-control conditions. The appellate court affirmed the suppression ruling based on consent, vacated the trial court's unnecessary ruling on the constitutionality of the ordinances, vacated the fines, vacated specified overbroad community-control conditions, and remanded for resentencing on the fines.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Cleveland Municipal Court, Housing Division, for resentencing of the fines within the statutory limits. The specified overbroad community-control conditions are vacated. The suppression ruling based on consent is affirmed, and the trial court's unnecessary ruling on the constitutionality of Cleveland's ordinances is overruled and vacated.

CASES CITED

- State v. Jackson, 2022-Ohio-187, ¶ 27 (8th Dist.)
- State v. Carson, 2020-Ohio-3669, ¶¶ 9, 11 (8th Dist.)
- State v. Curry, 95 Ohio App.3d 93, 96 (8th Dist. 1994)
- State v. Burnside, 2003-Ohio-5372, ¶ 8
- State v. Miller, 2018-Ohio-4898, ¶ 22
- State v. McNamara, 124 Ohio App.3d 706, 707 (4th Dist. 1997)
- JTC Solutions, LLC v. New Age Consulting Serv., 2025-Ohio-5045, ¶ 12 (8th Dist.)
- State v. Crawford, 2020-Ohio-268, ¶ 13
- Katz v. United States, 389 U.S. 347, 357, 361 (1967)
- State v. Thompson, 2020-Ohio-486, ¶ 10 (8th Dist.)
- Mapp v. Ohio, 367 U.S. 643, 651 (1961)
- Strongsville v. Patel, 2005-Ohio-620, ¶¶ 8, 10 (8th Dist.)
- Marshall v. Barlow's Inc., 436 U.S. 307, 312 (1978)
- AL Post 763 v. Ohio Liquor Control Comm., 82 Ohio St.3d 108, 113 (1998)
- Donovan v. Dewey, 452 U.S. 594, 598-599 (1981)
- State v. Brandau, 2021-Ohio-3688, ¶ 11 (4th Dist.)
- State v. Conley, 2019-Ohio-4172, ¶ 17 (4th Dist.)
- Cleveland v. Berger, 91 Ohio App.3d 102, 107 (8th Dist. 1993)
- State ex rel. Holcomb v. Wurst, 63 Ohio App.3d 629 (12th Dist. 1989)
- State v. Gartrell, 2014-Ohio-5203, ¶ 60 (3d Dist.)
- State v. Hartman, 2012-Ohio-4694, ¶ 12 (9th Dist.)
- State v. Roberts, 2006-Ohio-3665, ¶ 98
- State v. Mack, 2025-Ohio-4812, ¶¶ 41, 44 (5th Dist.)
- United States v. Matlock, 415 U.S. 164, 171-172 & n.7 (1974)
- State v. Hayes, 2025-Ohio-2483, ¶ 13 (3d Dist.)
- United States v. Jones, 335 F.3d 527 (6th Cir. 2003)
- Illinois v. Rodriguez, 497 U.S. 177, 188-189 (1990)
- State v. Graham, 2019-Ohio-1485, ¶ 19 (6th Dist.)
- Cleveland v. Williams, 2018-Ohio-2937, ¶¶ 12-13 (8th Dist.)
- State ex rel. Herbert v. Ferguson, 142 Ohio St. 496 (1944)
- Epcon Communities Franchising, L.L.C. v. Wilcox Dev. Group, L.L.C., 2024-Ohio-4989, ¶ 17
- Broadrick v. Oklahoma, 413 U.S. 601, 611 (1973)
- Marbury v. Madison, 5 U.S. 137, 178 (1803)
- State v. Davis, 2012-Ohio-2499, ¶ 9 (8th Dist.)
- State v. Long, 53 Ohio St.2d 91 (1978)
- State v. Dowdell, 2022-Ohio-2956, ¶ 9
- State v. Whittenburg, 2022-Ohio-803, ¶ 6

- Cleveland v. Pentagon Realty, L.L.C., 2019-Ohio-3775 (8th Dist.)
- Cleveland v. Go Invest Wisely, L.L.C., 2011-Ohio-3047, ¶¶ 8, 20 (8th Dist.)
- State v. Downie, 2009-Ohio-4643, ¶ 45 (7th Dist.)
- In re Slusser, 140 Ohio App.3d 480, 487 (3d Dist. 2000)
- Cleveland v. Schornstein Holdings, L.L.C., 2016-Ohio-7479, ¶ 19 (8th Dist.)
- N. Olmsted v. Rock, 2018-Ohio-1084, ¶¶ 11, 32 (8th Dist.)
- State v. Chapman, 2020-Ohio-6730, ¶¶ 17, 19
- Cleveland v. Sopjack, 2024-Ohio-6018, ¶¶ 32-33 (8th Dist.)
- Solon v. Broderick, 2018-Ohio-4900, ¶ 8
- Guerriero v. Department of Rehabilitation & Correction, 2002-Ohio-5149, ¶ 16 (11th Dist.)
- State v. Hochhausler, 76 Ohio St.3d 455, 464 (1996)
- State ex rel. Smith v. Friedman, 22 Ohio St.2d 25 (1970)
- Cleveland v. Southwest Invest., LLC, 2024-Ohio-1271 (8th Dist.)
- Cleveland v. Hero Homes JV2 LLC, 2025-Ohio-4585, ¶ 42 (8th Dist.)
- Cleveland v. City Redevelopment LLC, 2024-Ohio-5213, ¶ 12 (8th Dist.)
- Cleveland v. Johnson, 2025-Ohio-1731, ¶¶ 23-29 (S. Gallagher, J., concurring)
- State v. Hacker, 2023-Ohio-2535, ¶ 14
- State ex rel. Dann v. Taft, 2006-Ohio-1825, ¶ 56

INSTRUCTIONS FOR AN AI ASSISTANT

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