

OHIO COURT OF APPEALS, SEVENTH APPELLATE DISTRICT, MAHONING COUNTY

State v. Sargent

2020-Ohio-5464 (Ohio Ct. App. 2020) · No. 20 MA 0034 · Decided November 18, 2020

SUMMARY

The Ohio Seventh District Court of Appeals affirmed the Mahoning County Court of Common Pleas judgment granting Chad Sargent’s motion to suppress evidence obtained after a traffic stop. The court held that the State failed to establish a valid basis for the stop under Ohio Revised Code section 4513.05(A) or reasonable, articulable suspicion of criminal activity.

CASE DETAILS

COURT	Ohio Court of Appeals, Seventh Appellate District, Mahoning County
WRITING FOR THE COURT	David A. D’Apolito; Gene Donofrio; Cheryl L. Waite
JURISDICTION	Ohio
DECIDED	November 18, 2020
DOCKET	20 MA 0034
DISPOSITION	affirmed
PROCEDURAL POSTURE	The State appealed the Mahoning County Court of Common Pleas order granting Sargent’s motion to suppress evidence following a suppression hearing.
STANDARD OF REVIEW	A motion to suppress presents mixed questions of law and fact. The appellate court accepts factual findings supported by competent, credible evidence and independently determines whether those facts satisfy the applicable legal standard.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	State of Ohio v. Chad Sargent

TOPICS

- suppression of evidence
- search and seizure
- probable cause
- criminal procedure
- standard of review

PRACTICE AREAS

- criminal procedure
- search and seizure
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court applied the correct standard in reviewing the traffic stop.
2. Whether the State established probable cause or reasonable, articulable suspicion to justify the stop for an alleged violation of R.C. 4513.05(A).
3. Whether the trial court properly granted Sargent’s motion to suppress.

HOLDINGS

1. The State failed to establish a credible traffic violation because the record did not show that Sargent’s rear license plate was not illuminated and legible from 50 feet as required by R.C. 4513.05(A).
2. The State failed to demonstrate reasonable, articulable suspicion that criminal activity had occurred to justify the traffic stop.
3. The trial court did not err in granting Sargent’s motion to suppress.

KEY QUOTATIONS

“Upon consideration, there was no credible evidence or testimony establishing a traffic violation.” (¶19)

“There was no reasonable, articulable suspicion that any criminal activity had occurred to justify the stop.” (¶19)

FACTUAL BACKGROUND

Trooper John Lamm stopped Chad Sargent’s vehicle after following it onto Viall Road, asserting that its rear license-plate light was not illuminated sufficiently to make the plate legible from 50 feet. The trooper testified that the stop was based solely on the alleged license-plate violation, but the dash-camera video showed that he had been traveling in the opposite direction before turning onto Viall Road and activating his lights while more than 50 feet away. After the stop, Sargent disclosed that a loaded firearm was in the vehicle, and the firearm was seized. Evidence and testimony did not credibly establish that the license plate was unlawfully illuminated.

PROCEDURAL HISTORY

Sargent was indicted for improperly handling firearms in a motor vehicle, pleaded not guilty, and waived speedy trial. He moved to suppress evidence obtained after a traffic stop. Following a hearing, the trial court granted the motion, concluding that the State failed to establish a qualifying license-plate violation, probable cause, or reasonable, articulable suspicion. The appellate court affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Lake, 151 Ohio App. 3d 378, 2003-Ohio-332, 784 N.E.2d 162, ¶12 (7th Dist.)
- State v. Jedd, 146 Ohio App. 3d 167, 171, 765 N.E.2d 880 (4th Dist. 2001)

- State v. Ward, 7th Dist. Columbiana No. 10 CO 28, 2011-Ohio-3183, ¶35
- Dayton v. Erickson, 76 Ohio St. 3d 3, 11, 665 N.E.2d 1091 (1996)
- Terry v. Ohio, 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968)
- State v. McMillon, 7th Dist. Columbiana No. 18 CO 0016, 2019-Ohio-2716, ¶¶10-11
- State v. Martin, 7th Dist. Columbiana No. 18 CO 0033, 2020-Ohio-3579, ¶45
- State v. Venham, 96 Ohio App. 3d 649, 653, 645 N.E.2d 831 (4th Dist. 1994)

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