

COURT OF APPEALS OF OHIO, FIRST APPELLATE DISTRICT, HAMILTON COUNTY

In re T.B.

2026-Ohio-1309 · No. C-250279; C-250288 · Decided April 10, 2026

SUMMARY

The First District Court of Appeals of Ohio reviewed consolidated juvenile appeals involving a jaywalking adjudication and a concealed-weapons adjudication. The court upheld the concealed-carry disposition, concluding that the seizure and frisk were reasonable, the firearm was adequately authenticated, and its operability was sufficiently established. The court reversed the jaywalking disposition because the juvenile court abused its discretion by failing to permit T.B. to withdraw his plea.

CASE DETAILS

COURT	Court of Appeals of Ohio, First Appellate District, Hamilton County
WRITING FOR THE COURT	Crouse, Presiding Judge; Nestor, Judge; Moore, Judge
JURISDICTION	Ohio Court of Appeals, First Appellate District, Hamilton County
DECIDED	April 10, 2026
DOCKET	C-250279; C-250288
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Juvenile appealed consolidated Hamilton County Juvenile Court judgments denying suppression and admitting a firearm in a concealed-carry delinquency case, and implicitly denying a motion to withdraw an admission plea in a jaywalking case.
STANDARD OF REVIEW	Search-and-seizure issues involving a mixed question of law and fact are reviewed by accepting factual findings supported by competent, credible evidence and reviewing legal questions and application of law de novo. Admission of evidence for authentication is reviewed for abuse of discretion. Sufficiency is reviewed by asking whether the evidence, viewed in the light most favorable to the State, could satisfy the elements of the offense; manifest-weight claims are reviewed under the entire-record standard. Denial of a juvenile's motion to withdraw a plea is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published

TOPICS

fourth amendment

search and seizure

suppression of evidence

authentication

appellate procedure

PRACTICE AREAS

criminal procedure

juvenile law

evidence

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the stop and frisk of T.B. violated the Fourth Amendment or Article I, Section 14 of the Ohio Constitution.
2. Whether the firearm was sufficiently authenticated under Ohio Evid.R. 901(A).
3. Whether sufficient evidence supported the finding that the firearm was operable and whether that finding was against the manifest weight of the evidence.
4. Whether the juvenile court abused its discretion by implicitly denying T.B.'s presentence motion to withdraw his admission plea in the jaywalking case.

HOLDINGS

1. An officer may briefly detain a juvenile minor misdemeanor for the limited purpose of issuing a citation under R.C. 2935.26(A), and a responding officer may rely on a fellow officer's communicated reasonable suspicion. Because Hoffbauer had competent, credible grounds to believe T.B. committed a jaywalking violation, Chitwood's initial seizure was reasonable.
2. The frisk of T.B. was reasonable because the officers had a particularized, reasonable suspicion that he was armed and presently dangerous based on Hoffbauer's credited observation of a gun-like bulge in T.B.'s waistband, a similar bulge on his companion, and the discovery of a firearm on that companion. The court declined to adopt an automatic-companion rule.
3. The firearm was sufficiently authenticated under Evid.R. 901(A). The body-worn-camera footage supplied circumstantial evidence of a rough chain of custody, and Officer Dezarn's testimony linked the bagged firearm to the weapon identified in court. Any weaknesses in the chain affected weight rather than admissibility.
4. The evidence was legally sufficient to establish that the firearm recovered from T.B. was operable, and the juvenile court's finding was not against the manifest weight of the evidence.
5. The juvenile court abused its discretion by implicitly denying T.B.'s motion to withdraw his admission plea before a final disposition without explanation, particularly after granting the corresponding motion in the concealed-carry case. The court was required to permit withdrawal of the jaywalking plea.

KEY QUOTATIONS

“if an officer lawfully seizes an individual, and if the officer has a reasonable, articulable suspicion that the individual “may be armed and presently dangerous,” then the officer may perform a “limited protective search” for weapons on the detainee’s person—often called a “Terry frisk.”” (¶ 35)

“Authentication is ‘a very low threshold, which is less demanding than the preponderance of the evidence.’” (¶ 53)

“Juveniles are presumptively permitted to withdraw their pleas prior to a final order of disposition.” (¶ 72)

FACTUAL BACKGROUND

Officer Hoffbauer observed T.B. and three companions crossing a street unlawfully and reported the jaywalking violation and apparent firearm-shaped waistband bulges to responding officers. Officer Chitwood stopped the group, frisked a companion after observing a prominent bulge and feeling a firearm, and then frisked T.B., recovering a handgun concealed beneath his clothing. The State introduced body-worn-camera footage and testimony tracing the firearm to Officer Dezarn, who bagged, tagged, and test-fired it, determining that it was operable. T.B. had entered admissions to both charges and moved to withdraw them before disposition.

PROCEDURAL HISTORY

T.B. initially entered pleas of admit to carrying a concealed weapon and jaywalking. He moved to withdraw both pleas; the juvenile court expressly permitted withdrawal in the concealed-carry case but did not enter a corresponding order in the jaywalking case. After a suppression and merits hearing, the juvenile court denied suppression, admitted the firearm, adjudicated T.B. delinquent for carrying a concealed weapon, and entered a dispositional order. The court later treated the jaywalking plea as accepted and adjudicated T.B. delinquent in that case. The First District consolidated the appeals, affirmed the concealed-carry disposition, and reversed and remanded the jaywalking disposition.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The March 11, 2025 dispositional order in the jaywalking case, appeal C-250288, is reversed, and the juvenile court is instructed to grant T.B.'s February 25, 2025 motion to withdraw his plea. The April 10, 2025 concealed-carry dispositional order in appeal C-250279 is affirmed.

CASES CITED

- State v. Rogers, 2022-Ohio-4535, ¶ 25 (1st Dist.)
- State v. Brown, 2003-Ohio-3931, ¶¶ 16, 21-22, 25 (1st Dist.)
- State v. Bradford, 2014-Ohio-5527, ¶ 22 (10th Dist.)
- State v. Riggins, 2004-Ohio-4247, ¶ 10 (1st Dist.)
- In re M.P., 2014-Ohio-2846, ¶ 10 (1st Dist.)

- United States v. Hensley, 469 U.S. 221, 232-233 (1985)
- Terry v. Ohio, 392 U.S. 1 (1968)
- State v. Henson, 2022-Ohio-1571, ¶¶ 15, 17 (1st Dist.)
- State v. Hawkins, 2019-Ohio-4210, ¶ 20
- United States v. Berryhill, 445 F.2d 1189, 1193 (9th Cir. 1971)
- Ybarra v. Illinois, 444 U.S. 85, 91, 94 (1979)
- State v. Leet, 2020-Ohio-1404, ¶ 19 (2d Dist.)
- In re D.S., 2013-Ohio-5740, ¶¶ 14-15 (8th Dist.)
- State v. Searles, 2019-Ohio-3109, ¶ 7 (1st Dist.)
- State v. Richey, 1992-Ohio-44, ¶ 38
- State v. Patterson, 2018-Ohio-3348, ¶ 13 (1st Dist.)
- State v. White, 2004-Ohio-6005, ¶ 61 (4th Dist.)
- State v. Gross, 2002-Ohio-5524, ¶ 57
- State v. Crossty, 2017-Ohio-8382, ¶ 30 (1st Dist.)
- State v. Jones, 2021-Ohio-3311, ¶ 16
- State v. Chambers, 2025-Ohio-4737, ¶ 18 (1st Dist.)
- State v. Thompson, 1997-Ohio-52, ¶ 25
- State v. Martin, 20 Ohio App.3d 172, 175 (1st Dist. 1983)
- State ex rel. Cassels v. Dayton City School Dist. Bd. of Edn., 1994-Ohio-92, ¶ 23
- In re D.R.H., 2023-Ohio-1694, ¶¶ 50, 52 (7th Dist.)
- State v. Xie, 62 Ohio St.3d 521, 527 (1992)
- State v. Barnes, 2022-Ohio-4486, ¶¶ 21-22
- In re J.S., 2024-Ohio-4887, ¶ 14 (1st Dist.)
- State v. Wright, 2004-Ohio-7023, ¶¶ 11, 14 (8th Dist.)