

[Cite as *State v. Detamore*, 2017-Ohio-7218.]

COURT OF APPEALS  
DELAWARE COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

STATE OF OHIO

Plaintiff-Appellee

-vs-

SYAMANTAKA DETAMORE

Defendant-Appellant

JUDGES:

Hon. William B. Hoffman, P.J.

Hon. John W. Wise, J.

Hon. Craig R. Baldwin, J.

Case No. 16 CAA 04 0018

OPINION

CHARACTER OF PROCEEDING:

Appeal from the Delaware County Court of  
Common Pleas, Case No. 15-CR-I-03-0124

JUDGMENT:

Motion to Withdraw Denied

DATE OF JUDGMENT ENTRY:

August 4, 2017

APPEARANCES:

For Plaintiff-Appellee

For Defendant-Appellant

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*Hoffman, P.J.*

{¶1} Defendant-appellant Syamantaka Detamore appeals his convictions entered by the Delaware County Court of Common Pleas on one count of trafficking in drugs, in violation of R.C. 2925.03(A)(2); and one count of possession of drugs, in violation of R.C. 2925.011(A). Plaintiff-appellee is the state of Ohio.

#### STATEMENT OF THE FACTS AND CASE

{¶2} On January 13, 2015, Officers assigned to the Bulk Cash Unit of Homeland Security conducted surveillance of the America's Best Value Inn in Columbus, Ohio. The investigators observed a Toyota Tundra, bearing California registration, enter the parking lot and back into a parking space. The driver was later identified as Loi Dang. Dang exited the truck, retrieving items from the tailgate area of the truck. Dang walked to a nearby gas station, displaying large amounts of currency on his person.

{¶3} Dang then returned to his truck, and drove out of the parking lot. The Special Agents assigned to the Bulk Cash Unit followed Dang into a McDonald's parking lot located in Orange Township. A green Chevrolet Silverado, with Ohio registration, pulled into the parking lot and parked next to Dang. Dang entered the passenger side of the Silverado, remaining inside for five to ten minutes.

{¶4} Dang then returned to his vehicle and traveled to a nearby Walmart Superstore. Appellant, driving the Silverado and followed by the special agents, drove to his residence located at 6439 Taggart Road, Delaware, Ohio. Approximately fifteen to twenty minutes later, Appellant drove erratically, employing evasive maneuvers, to an Arby's parking lot in Orange Township, Delaware County. A short time later, Dang entered

the parking lot, parking in proximity to Appellant's Silverado truck. Dang again entered the passenger side of the Silverado truck with Appellant. Investigators witnessed the driver of the Silverado reach behind his seat, into the extended cab section, retrieving a white bag and handing the bag to Dang. Dang exited the vehicle with the white bag in hand. The investigators continued surveillance on the Silverado as it exited the area.

{¶15} Bulk Cash Investigators then initiated contact with Loi Dang. The search warrant affidavit herein states,

Investigators recovered the white bag from the vehicle which contained approximately 1 ½ pounds of marijuana. Investigators also located a hidden compartment beneath the bed liner along the rear of the truck which contained \$25,000.00 to \$26,000.00. Loi confirmed picking up a little marijuana from the male subject in the Chevy Silverado. Loi confirmed meeting with the male (Shawn) in order for Shawn to provide him with a sample of marijuana. Shawn told Loi that he (Shawn) would return in approximately one hour. Loi also advised that Shawn quoted him a price of \$2,500.00 to \$3,000.00 per pound of marijuana. Loi confirmed meeting Shawn through Shawn's brother-in-law in Columbus, Ohio.

{¶16} Appellant was subsequently stopped, and a large amount of currency was found in his possession. Detective Nicholas Strasser of the Delaware Police Department spoke with the special agents by phone. The agents explained the events precipitating

the stop. Detective Strasser then prepared a search warrant affidavit, obtaining a search warrant for Appellant's residence.

{¶7} On March 27, 2017, the Delaware County Grand Jury indicted Appellant on one count of trafficking in drugs, in violation of R.C. 2925.03(A)(2), with six attendant forfeiture specifications; and one count of possession of drugs, in violation of R.C. 2925.011(A).

{¶8} Appellant filed a motion to suppress evidence obtained as a result of the search of his residence, and a supplemental motion to suppress evidence. The State filed a memorandum contra. Following a hearing on the motion to suppress, the trial court denied the motion via Judgment Entry of September 14, 2014.

{¶9} Following a jury trial, via Judgment Entry of February 9, 2016, the trial court entered judgment on the verdicts. Via Judgment Entry entered March 15, 2016, the trial court merged Counts One and Two for sentencing, electing to sentence as to Count One. The court then imposed a sanction of two years community control.

{¶10} Appellant filed a direct appeal through appointed counsel. <sup>1</sup> A merit brief was filed on November 14, 2016, pursuant to *Anders v. California* (1968), 386 U.S. 738, 87 S.Ct. 1396, 18 L.E.d.2d 493, rehearing denied, (1967), 388 U.S. 924, also seeking leave to withdraw. Appellant filed a supplemental brief on March 28, 2017, with proof of service upon the State filed on April, 28, 2017.

{¶11} Pursuant to *Anders*, supra, if appellate counsel, after reviewing the record, determines the case is frivolous, then counsel may inform the court any appeal would be

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<sup>1</sup> Via Judgment Entry of January 3, 2017, this Court found appellate counsel had not served the *Anders* brief filed herein upon Appellant. Counsel was ordered to file a notice of service indicating the brief was served upon Appellant, and to provide this Court with Appellant's address. Appellant complied as docketed in this Court's Judgment Entry entered January 23, 2017.

frivolous and file a motion to withdraw. Counsel must also submit a brief referring to anything in the record arguably supporting the appeal. The indigent criminal defendant may raise additional issues via supplemental brief.

{¶12} This Court has reviewed the entire record and the briefs herein. We find colorable issues exist for merit review, particularly with respect to the validity of the stop of Appellant and ensuing search of his residence, and an appeal would not be frivolous. Accordingly, counsel's motion to withdraw is overruled and counsel is ordered to proceed to prosecute the appeal.

By: Hoffman, P.J.

Wise, John, J. and

Baldwin, J. concur