

COURT OF APPEALS
FAIRFIELD COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO	:	JUDGES:
	:	Hon. W. Scott Gwin, P.J.
Plaintiff - Appellee	:	Hon. John W. Wise, J.
	:	Hon. Craig R. Baldwin, J.
-vs-	:	
	:	
STEPHEN WOODDELL	:	Case No. 16-CA-14
	:	
Defendant - Appellant	:	<u>OPINION</u>

CHARACTER OF PROCEEDING: Appeal from the Fairfield County Court of Common Pleas, Case No. 14CR00431

JUDGMENT: Affirmed

DATE OF JUDGMENT: November 9, 2016

APPEARANCES:

For Plaintiff-Appellee

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Fairfield County Prosecuting Attorney

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For Defendant-Appellant

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Baldwin, J.

{¶1} Defendant-appellant Stephen Wooddell appeals the denial by the Fairfield County Court of Common Pleas of his Motion to Suppress. Plaintiff-appellee is the State of Ohio.

STATEMENT OF THE FACTS AND CASE

{¶2} On October 24, 2014, the Fairfield County Grand Jury indicted appellant on one count of aggravated possession of drugs in violation of R.C. 2925.11(A) and 2925.11(C)(1)(a), a felony of the fifth degree, and one count of illegal use or possession of drug paraphernalia in violation of R.C. 2925.14(C)(1) and 2925.14(F)(1), a misdemeanor of the fourth degree. At his arraignment, appellant pleaded not guilty to both charges.

{¶3} Thereafter, appellant, on May 14, 2015, filed a Motion to Suppress, arguing that the evidence against him was obtained as a result of a warrantless search and seizure. A suppression hearing was held on October 8, 2015. The trial court, as memorialized in an Entry filed on November 25, 2015, granted appellant's motion in part and overruled it in part.

{¶4} Subsequently, on February 23, 2016, appellant withdrew his former not guilty plea and entered a plea of guilty to both charges. As memorialized in a Judgment Entry filed on March 7, 2016, appellant was sentenced to an aggregate prison sentence of eleven months. The trial court ordered that appellant's sentence be served concurrent to his sentence in another specified Fairfield County case but consecutive to any other sentence previously imposed against appellant.

{¶5} Appellant now raises the following assignments of error on appeal:

{¶6} I. THE TRIAL COURT ERRED BY INCORRECTLY DETERMINING THAT LAW ENFORCEMENT LAWFULLY ENTERED APPELLANT'S RESIDENCE WITHOUT A VALID SEARCH OR ARREST WARRANT, THEREBY ALLOWING AN UNLAWFUL SEARCH AND SEIZURE IN VIOLATION OF ARTICLE I, SECTIONS 10, 14 AND 16 OF THE OHIO CONSTITUTION AND THE 4TH , 5TH , 6TH , AND 14TH AMENDMENTS OF THE UNITED STATES CONSTITUTION.

{¶7} II. THE TRIAL COURT ERRED BY INCORRECTLY DETERMINED (SIC) THAT THE SEARCH OF THE APPELLANT'S LIVING ROOM BY LAW ENFORCEMENT WAS LAWFUL IN SCOPE AND INCORRECTLY DETERMINED THAT THE APPELLANT HAD VOLUNTARILY CONSENTED TO SAID SEARCH, THEREBY ALLOWING AN UNLAWFUL SEARCH AND SEIZURE IN IN VIOLATION OF ARTICLE I, SECTIONS 10, 14 AND 16 OF THE OHIO CONSTITUTION AND THE 4TH , 5TH , 6TH , AND 14TH AMENDMENTS OF THE UNITED STATES CONSTITUTION.

I, II

{¶8} Appellant, in his two assignments of error, argues that the trial court erred in denying, in part, his Motion to Suppress.

{¶9} As is stated above, appellant entered a plea of guilty to both counts in this case. A defendant who enters a plea of guilty waives the right to appeal all non-jurisdictional issues arising at prior stages of the proceedings * * *. *Ross v. Auglaize Cty. Court of Common Pleas*, 30 Ohio St.2d 323, 285 N.E.2d 25 (1972). Thus, by entering a guilty plea, a defendant waives the right to raise on appeal the propriety of a trial court's suppression ruling. *State v. Elliott*, 86 Ohio App.3d 792, 621 N.E.2d 1272 (12th Dist.1993); *State v. Harvey*, 5th Dist. Stark No. 20074-CA-00335, 2008-Ohio-3654. By

entering his guilty plea in this case, appellant waived his right assert any challenge to the trial court's ruling on his Motion to Suppress.

{¶10} Based upon the foregoing, appellant's two assignments of error are is overruled.

{¶11} Accordingly, the judgment of the Fairfield County Common Pleas Court is affirmed.

By: Baldwin, J.

Gwin, J. and

Wise, J. concur.