

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State of Ohio

Court of Appeals No. L-02-1200
L-02-1201

Appellee

Trial Court No. CR-0200201071
CR-0199802952

v.

Robert Flanigan

DECISION AND JUDGMENT ENTRY

Appellant

Decided: September 30, 2003

* * * * *

Julia R. Bates, Lucas County Prosecuting Attorney, and James E. Vail,
Assistant Prosecuting Attorney, for appellee.

Penny H. Nasatir, for appellant.

* * * * *

SINGER, J.

{¶1} Police arrested appellant, Robert L. Flanigan, on outstanding warrants in a raid on a reputed crack house. During the raid, one of the other residents of the house told police that appellant was responsible for a series of south Toledo robberies. After appellant was advised of

his rights pursuant to *Miranda v. Arizona* (1966), 384 U.S. 436, he confessed to five business robberies.

{¶2} Indicted for four counts of robbery and one count of aggravated robbery, appellant pled not guilty and moved to suppress his confession. Appellant argued that at the time of his interrogation he was under the influence of crack cocaine to the extent that it rendered his *Miranda* waiver ineffective. When the trial court denied his motion to suppress, appellant agreed to plead guilty to four counts of robbery. The court accepted the plea and sentenced appellant to an 11 year, 5 month term of incarceration.

{¶3} Appellant now appeals his conviction of May 13, 2002, arguing in a single assignment of error that the trial court erred when it denied his motion to suppress.

{¶4} Pursuant to 6th Dist.Loc.App.R. 12(C), we sua sponte transfer this matter to our accelerated docket and, hereby, render our decision.

{¶5} At the suppression hearing, the officer who obtained appellant's confession testified that, at the time of the *Miranda* waiver and the interview which elicited appellant's confession, appellant did not appear impaired. The videotape of appellant's interrogation shows that he was distraught, agitated and frequently animated. It also reveals that there was no coercion or intimidation by police and that appellant was quite lucid, describing in detail his acts and motives for committing multiple robberies.

{¶6} On authority of *State v. Brewer* (1990), 48 Ohio St.3d 50, 58, and this court's *State v. Baker* (May 8, 1998), Wood App. No. WD-97-025, appellant's single assignment of error is

found not well-taken. Judgment of the Lucas County Court of Common Pleas is affirmed. Costs to appellant.

JUDGMENT AFFIRMED.

Peter M. Handwork, P. J.

JUDGE

Mark L. Pietrykowski, J.

JUDGE

Arlene Singer, J.
CONCUR.

JUDGE