

**IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
CLARK COUNTY**

STATE OF OHIO	:	
	:	Appellate Case No. 08-CA-123
Plaintiff-Appellee	:	
	:	Trial Court Case No. 08-CR-0603
v.	:	
	:	(Criminal Appeal from
JAYSON RICKMAN	:	Common Pleas Court)
	:	
Defendant-Appellant	:	
	:	

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OPINION

Rendered on the 5th day of February, 2010.

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BROGAN, J.

{¶ 1} Jayson Rickman appeals from his conviction of one count of possession of crack cocaine pursuant to his no-contest plea. In a single assignment, Rickman contends the trial court erred in not granting his pre-trial motion

to suppress.

{¶ 2} The facts leading to Rickman's arrest are as follows. In the early morning hours of July 19, 2008, Springfield Police Officer William Speakman was on patrol in the area of South Plum and West Mulberry Streets in Springfield. The area has a reputation as a high-crime area for drugs and prostitution. Speakman observed Rickman standing on the sidewalk talking to a woman. Speakman thought he recognized Rickman who is a "metro trespass," a person not allowed on metro property, due to past drugs or illegal activity. Although Rickman was not on metro property, Speakman decided to speak with him to find out what he was doing. As Speakman's partner Officer Mitchell turned the police van around, Rickman began running away.

{¶ 3} Speakman chased after Rickman, ordering him to stop. Eventually, Rickman stopped and Speakman arrested him for obstruction of official business. Speakman immediately recognized Rickman and he called the County to find out if there were any outstanding warrants for Rickman's arrest. Speakman searched Rickman and discovered a small amount of crack cocaine on him. Speakman then learned there was an outstanding warrant for Rickman's arrest for driving under suspension.

{¶ 4} The trial court overruled Rickman's motion to suppress the drugs found on him.

{¶ 5} Rickman argues in his sole assignment of error that the court should have suppressed the evidence because it was the product of an unlawful stop. The State argues that Officer Speakman had adequate grounds to stop Rickman and the

resultant arrest and search of Rickman was justified.

{¶ 6} Rickman had no reasonable expectation of privacy in not being stopped by the police, since the police had the authority to arrest him because of the outstanding warrant. See *State v. Smith*, Mont. App. No. 22434, 2008-Ohio-5523. Although Officer Speakman found the drugs before he learned of the outstanding arrest warrant, it does not matter since the drugs would have been inevitably discovered when Rickman was taken into custody under the command of the arrest warrant. *Nix v. Williams* (1984), 467 U.S. 431, 104 S.Ct. 2501. The assignment of error is Overruled. The judgment of the trial court is Affirmed.

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FAIN, J., concurs.

FROELICH, J., concurring:

{¶ 7} I concur, albeit with the same reservations voiced by Judge Fain in *State v. Walker-Stokes*, Mont. App. No. 22554, 2008-Ohio-6552, ¶ 42, 43. See, also, *State v. Russell* (July 21, 2009), Minnesota Court of Appeals No. 08-1255, 2009-WL-2151098; pet. for cert. with U.S. Supreme Court filed December 24, 2009, (No. 09-781), on question “is police knowledge of a suspect’s identity suppressible if the knowledge came from an illegal stop?”

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