

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NOS. C-070242
		C-070243
Plaintiff-Appellee,	:	
		TRIAL NO. C-06TRC-35647
vs.	:	
DONALD WILLIAMS,	:	<i>JUDGMENT ENTRY.</i>
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.<sup>1</sup>

Donald Williams appeals his convictions for operating a motor vehicle while under the influence of alcohol, or a drug of abuse, or a combination of them, and for operating a vehicle without reasonable control. We affirm.

In the evening of July 27, 2006, Williams was involved in a one-car accident in a Hamilton County Park that left his vehicle crashed against a tree at the bottom of an embankment. The speed limit in the park was 25 m.p.h., and there were no adverse weather conditions at the time of the accident. Shad Wetterich, a Hamilton County Park Ranger, responded to the scene for assistance and investigation.

Ranger Wetterich testified that Williams, who smelled of alcohol and had a reddish tint to the whites of his eyes, had responded to his questions with slightly slurred speech. According to Ranger Wetterich, Williams said that he had blown out his tire on the curb,

---

<sup>1</sup> See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

causing him to cross over the roadway, then another curb, and finally to go over the embankment and into the tree. The police found marijuana, a marijuana pipe, and a drug scale in Williams's vehicle.

Williams admitted to drinking one beer and to smoking marijuana earlier in the day. Williams did not perform well on sobriety tests and fell to the ground after exiting from the police vehicle. A video recording of the sobriety tests and Williams's fall were admitted into evidence at trial, along with a toxicology report indicating the presence of a marijuana metabolite and a small quantity of alcohol in Williams's urine.

Ranger Wetterich testified that, based upon his law-enforcement training and experience and the totality of the circumstances, Williams had operated his vehicle while impaired by alcohol and marijuana.

The state also presented Sergeant Mark Denney as an expert witness. Over Williams's objection, Sergeant Denney testified that, based upon his training and experience, including certification as a Drug Recognition Expert, marijuana use impaired driving skills when used alone and in combination with alcohol.

In his sole assignment of error, Williams now challenges the state's use of Sergeant Denney as an expert, arguing that he was not qualified to opine on Williams's drug-intoxication level at the time of the accident. But Williams fails to provide a citation to the specific testimony he purports to challenge.

We find no merit to Williams's general contention, as the trial court specifically prohibited Sergeant Denney from opining on Williams's intoxication level and impairment at the time of the accident.

The court certified Denney as an expert to present helpful background information on the impairing effect of marijuana on driving skills, when ingested either alone or in combination with alcohol. The court did not permit Denney to opine that Williams had

ingested alcohol and a drug of abuse based upon the results of certain tests, or that he was impaired based upon the test results.

Sergeant Denney had sufficient expertise in the area to testify based upon his education and training, including his recent certification as a Drug Recognition Expert. To attain this certification, Denney successfully attended a Drug Enforcement and Certification Training School sponsored by the International Association of Chiefs of Police and the National Highway Traffic and Safety Administration. His training and certification process included 96 hours of classroom instruction followed by an internship and eight written exams.

Where Denney was qualified to provide the testimony and his testimony was helpful to the trier of fact in evaluating the other evidence, we hold that the trial court did not abuse its discretion in allowing Denney to testify.<sup>2</sup>

Accordingly, we overrule the assignment of error and affirm the trial court's judgment.

Further, a certified copy of this Judgment Entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R.24.

**PAINTER, P.J., HENDON and CUNNINGHAM, JJ.**

*To the Clerk:*

Enter upon the Journal of the Court on June 11, 2008

per order of the Court \_\_\_\_\_.

Presiding Judge

\_\_\_\_\_

<sup>2</sup> See Evid.R. 702; Evid.R. 104(A); *State v. Thomas*, 97 Ohio St.3d 309, 2002-Ohio-6624, 779 N.E.2d 1017, ¶46.