

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

STATE OF OHIO,	:	APPEAL NO. C-120615
	:	TRIAL NO. 10TRC-28500
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
CHARLES WALKER,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Charles Walker was charged with operating a motor vehicle while under the influence of alcohol. He subsequently moved the trial court to suppress evidence flowing from a police-initiated stop of his automobile. The trial court denied the motion, and Walker later pleaded no contest to a charge under R.C. 4511.194. The court accepted his plea and found him guilty. Walker was sentenced to 180 days' incarceration and a \$250 fine. The court suspended 177 days of Walker's sentence and ordered him to take part in a driver's intervention program. This appeal followed.

In his sole assignment of error, Walker claims that the trial court erred when it overruled his motion to suppress. This argument has no merit.

When reviewing a motion to suppress, we defer to the trial court's findings of fact but we review *de novo* whether the facts meet the applicable legal

standard. *State v. Burnside*, 100 Ohio St.3d 152, 2003-Ohio-5372, 797 N.E.2d 71, ¶ 8. Here, the trial court did not make specific factual findings. However, the testimony adduced at the suppression hearing supports the trial court's ruling.

At the hearing, police officer Dwyane McMenama testified that, at 2:46 a.m., he observed Walker sitting in a parked car outside of a bar. The car was running. McMenama stated that Walker was "slumped" behind the wheel and appeared to be sleeping. McMenama saw drool coming out of Walker's mouth and dripping onto his shirt. Officer Michael Roetting was also at the scene. At the suppression hearing Roetting testified that he had seen Walker drive out of his parking spot and turn from the road into a parking lot without using his turn signal. The police followed Walker for a while and then pulled him over.

Following the hearing, the trial court held that the police had had probable cause to stop Walker. The trial court was correct. Walker had failed to signal before turning his car. It was objectively reasonable for the police to believe that Walker had violated a traffic law. *See* R.C. 4511.39; *Beck v. Ohio*, 379 U.S. 89, 91, 85 S.Ct. 223, 13 L.Ed.2d 142 (1964); *State v. Heston*, 29 Ohio St.2d 152, 155-156, 280 N.E.2d 376 (1972). In addition, Walker appeared to be sleeping behind the wheel of a running car and drooling on himself at 2:46 a.m. in front of a bar. These facts were sufficient to give rise to a reasonable suspicion that Walker had been operating a car under the influence of alcohol. *See State v. Andrews*, 57 Ohio St.3d 86, 565 N.E.2d 1271 (1991). On either ground, the police stop was justified. Walker's assignment of error is overruled.

The trial court's judgment is affirmed.

OHIO FIRST DISTRICT COURT OF APPEALS

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.

HENDON, P.J., HILDEBRANDT and CUNNINGHAM, JJ.

To the clerk:

Enter upon the journal of the court on September 27, 2013

per order of the court _____.

Presiding Judge