

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

STATE OF OHIO,	:	APPEAL NOS. C-130708
		C-130709
Plaintiff-Appellee,	:	TRIAL NO. 12CRB-37530
vs.	:	
		<i>JUDGMENT ENTRY.</i>
JOCELYN SCOTT,	:	
Defendant-Appellant.	:	

We consider these appeals 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 Jocelyn Scott appeals the judgment of the Hamilton County Municipal Court convicting her of possessing illegal drug paraphernalia under R.C. 2925.14 and disorderly conduct under R.C. 2917.11.

Cincinnati Police Specialist Michael Bell went to Scott's residence to investigate a complaint of loud music. After Scott had answered the door, Bell was able to see into the residence over her shoulder. Bell testified that he had observed what he identified as a crack-cocaine pipe in plain view on a table in the home. He entered the residence to seize the pipe, and after a brief struggle, he placed Scott under arrest.

Scott filed a motion to suppress any evidence that had been obtained in conjunction with Bell's warrantless entry into her apartment, contending that the entry violated her rights under the Fourth Amendment. The trial court denied the motion, and Scott entered no-contest pleas to the offenses.

**OHIO FIRST DISTRICT COURT OF APPEALS**

---

In her sole assignment of error, Scott argues that the trial court erred in denying her motion to suppress.

Appellate review of a motion to suppress presents a mixed question of law and fact. *State v. Burnside*, 100 Ohio St.3d 152, 2003-Ohio-5372, 797 N.E.2d 71, ¶ 8. An appellate court must accept the trial court's findings of fact if they are supported by some competent, credible evidence. *Id.* Accepting those facts as true, the appellate court must then independently determine, without deference to the trial court's judgment, whether the facts satisfy the applicable legal standard. *Id.*

An officer's warrantless seizure of an object in plain view does not violate the Fourth Amendment if (1) the officer did not violate the Fourth Amendment in arriving at the place from which the object could be plainly viewed, (2) the officer had a lawful right of access to the object, and (3) the incriminating character of the object was immediately apparent. *State v. Robinson*, 103 Ohio App.3d 490, 494, 659 N.E.2d 1292 (1st Dist.1995), citing *Horton v. California*, 496 U.S. 128, 136-137, 110 S.Ct. 2301, 110 L.Ed.2d 112 (1990).

In this case, there was no violation of Scott's rights under the Fourth Amendment. Bell lawfully knocked on Scott's door to investigate the noise complaint, and the pipe was in plain view from where he was positioned. Bell then had probable cause to make an arrest, as the alleged violation of R.C. 2925.14 was a misdemeanor of the fourth degree. *See* R.C. 2925.14(F)(1). We overrule the assignment of error and affirm the judgment of the trial court.

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.

**CUNNINGHAM, P.J., HILDEBRANDT and FISCHER, JJ.**

To the clerk:

Enter upon the journal of the court on May 30, 2014  
per order of the court \_\_\_\_\_.  
Presiding Judge