

IN THE COURT OF APPEALS
TWELFTH APPELLATE DISTRICT OF OHIO
BUTLER COUNTY

STATE OF OHIO,	:	
Plaintiff-Appellee,	:	CASE NOS. CA2003-06-150
	:	CA2003-07-171
- vs -	:	
	:	<u>O P I N I O N</u>
	:	6/7/2004
RICHARD CORNELIUS,	:	
Defendant-Appellant.	:	

CRIMINAL APPEAL FROM BUTLER COUNTY COURT OF COMMON PLEAS
Case No. CR02-12-1907

Robin N. Piper, Butler County Prosecuting Attorney, Randi E. Froug, Government Services Center, 315 High Street, 11th Fl., Hamilton, Ohio 45011, for plaintiff-appellee

Schad & Cook, Kevin M. Schad, 8240 Beckett Park Drive, Indian Springs, Ohio 45011, for defendant-appellant

WALSH, J.

{¶1} Defendant-appellant, Richard Cornelius, appeals a decision of the Butler County Court of Common Pleas, denying a motion to suppress evidence. We affirm the decision of the trial court.

{¶2} Based on information from a confidential informant that appellant was selling crack cocaine from a residence on Yankee

Road in Middletown, police set up surveillance around the home. After observing known crack cocaine users enter the home, remain briefly, then leave, police approached the residence. Police inquired of appellant whether there were any drugs in the home. Appellant responded that the police were free to search the residence; however, he refused to provide written consent. During the search police discovered crack cocaine. Appellant was arrested and charged with possession of cocaine.

{¶3} Appellant filed a motion to suppress the evidence obtained during the search, claiming that he had not voluntarily consented to the search. The trial court denied the motion, finding that his consent was voluntarily given. Appellant subsequently pled guilty to possession of cocaine, a fourth-degree felony. Upon completing a thorough Crim.R. 11 colloquy, the trial court accepted his plea. He was convicted and sentenced accordingly. He appeals, raising one assignment of error:

{¶4} "THE COURT ERRED IN ITS DETERMINATION THAT THE APPELLANT CONSENTED TO THE SEARCH OF THE PREMISES."

{¶5} In appellant's assignment of error, he argues that the trial court erred in overruling his motion to suppress evidence. However, we need not consider the merits of appellant's argument because he waived his right to contest the adverse ruling on this motion by entering a guilty plea.¹ See State v. Kelly (1990), 57

1. Appellant does not argue that his plea was not knowingly or voluntarily entered. Our review of the plea hearing transcript confirms that his plea was knowingly and voluntarily made.

Ohio St.3d 127, 128. Specifically, when a defendant enters a guilty plea, he waives the right to challenge a trial court's decision to overrule a pretrial motion to suppress evidence. See *Id.* at 130; Huber Heights v. Duty (1985), 27 Ohio App.3d 244. For this reason, appellant's assignment of error is overruled.

{¶6} Judgment

affirmed.

YOUNG, P.J., and VALEN, J., concur.