

COURT OF APPEALS  
STARK COUNTY, OHIO  
FIFTH APPELLATE DISTRICT

STATE OF OHIO	:	JUDGES:
	:	Hon. W. Scott Gwin, P.J.
	:	Hon. Sheila G. Farmer, J.
Plaintiff-Appellee	:	Hon. John W. Wise, J.
	:	
-vs-	:	Case No. 2007-CA-00335
	:	
JEREMY HARVEY	:	
	:	<u>OPINION</u>
Defendant-Appellant	:	

CHARACTER OF PROCEEDING:	Criminal appeal from the Stark County Court of Common Pleas, Case No. 2007CR1133C
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JUDGMENT:	Affirmed
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DATE OF JUDGMENT ENTRY:	July 21, 2008
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APPEARANCES:

For Plaintiff-Appellee	For Defendant-Appellant
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*Gwin, J.,*

{¶1} Defendant Jeremy Harvey appeals a judgment of the Court of Common Pleas of Stark County, Ohio, which convicted and sentenced him for one count of having weapons while under disability, in violation of R.C. ' 2923.13(A)(2) and/or (A)(3) and one count of participating in a criminal gang, in violation of R.C. ' 2923.42(A). Appellant assigns a single error to the trial court:

{¶2} “WHETHER THE TRIAL COURT ERRED IN DENYING APPELLANT’S STANDING FOR HIS MOTION TO SUPPRESS.”

{¶3} The charges arose when police officers found appellant and three other men in a home containing multiple firearms, drug paraphernalia, gang paraphernalia and drugs. Appellant originally pled not guilty and filed a motion to suppress challenging the search of the home. In response, the State filed a motion challenging the appellant's standing to bring a motion to suppress.

{¶5} After a hearing, the trial court found that the appellant lacked standing to raise a Fourth Amendment claim in a motion to suppress. The trial court found that, at most, the home was used as a place to meet girlfriends and Ashack up with them.@ Accordingly, appellant did not have a legitimate expectation of privacy in the home.

{¶6} After the court overruled his motion to suppress, appellant accepted a plea bargain. Appellant pled guilty to both charges in return for a negotiated sentence of three years.

{¶7} A plea of guilty is a complete admission of guilt. Crim.R. 11(B)(1). A defendant who enters a plea of guilty waives the right to appeal all nonjurisdictional

issues arising at prior states of the proceedings. *State v. McQueeney*, 148 Ohio App.3d 606, 2002-Ohio-3731, 774 N.E.2d 1228.

{¶8} Appellant does not argue he did not knowingly, intelligently and voluntarily enter his plea of guilty. Accordingly, he waived any challenge to trial court=s ruling on his pretrial motion to suppress.

{¶9} The assignment of error is overruled.

{¶10} For the foregoing reasons, the judgment of the Court of Common Pleas of Stark County, Ohio is affirmed.

By Gwin, P.J.,

Farmer, J., and

Wise, J., concur

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HON. W. SCOTT GWIN

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HON. SHEILA G. FARMER

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HON. JOHN W. WISE

WSG:clw 0703

IN THE COURT OF APPEALS FOR STARK COUNTY, OHIO

FIFTH APPELLATE DISTRICT

STATE OF OHIO

Plaintiff-Appellee

-VS-

JEREMY HARVEY

Defendant-Appellant

JUDGMENT ENTRY

CASE NO. 2007-CA-00335

For the reasons stated in our accompanying Memorandum-Opinion, the judgment of the Court of Common Pleas of Stark County, Ohio is affirmed. Costs to appellant.

HON. W. SCOTT GWIN

HON. SHEILA G. FARMER

HON. JOHN W. WISE