[Cite as *State v. Brandon*, 2015-Ohio-2072.]

COURT OF APPEALS
MUSKINGUM COUNTY, OHIO
FIFTH APPELLATE DISTRICT

STATE OF OHIO	:	JUDGES:
	:	Hon. Sheila G. Farmer, P.J.
Plaintiff - Appellee	:	Hon. John W. Wise, J.
	:	Hon. Craig R. Baldwin, J.
-vs-	:	
	:	
RONALD BRANDON	:	Case No. CT2014-0039
	:	
Defendant - Appellant	:	O P I N I O N

CHARACTER OF PROCEEDING:	Appeal from the Muskingum County Court of Common Pleas, Case No. CR2014-0075
JUDGMENT:	Reversed and Remanded
DATE OF JUDGMENT:	May 27, 2015

APPEARANCES:

For Plaintiff-Appellee	For Defendant-Appellant
D. MICHAEL HADDOX Muskingum County Prosecuting Attorney	JOHN D. WEAVER 542 S. Drexel Ave Bexley, OH 43209
By: JOHN F. LITTLE III Assistant Prosecuting Attorney 27 North 5th Street, Suite 201 Zanesville, OH 43701	

Baldwin, J.

{¶1} Defendant-appellant Ronald Brandon appeals his conviction and sentence from the Muskingum County Court of Common Pleas on one count of possession of drugs. Plaintiff-appellee is the State of Ohio.

STATEMENT OF THE FACTS AND CASE

{¶2} On March 5, 2014, the Muskingum County Grand Jury indicted appellant on one count of possession of drugs (cocaine) in violation of R.C. 2925.11(A), a felony of the fourth degree, and one count of possession of drugs (marijuana) in violation of R.C. 2925.11(A), a minor misdemeanor. At his arraignment on March 26, 2014, appellant entered a plea of not guilty to the charges.

{¶3} Appellant, on May 22, 2014, filed a Motion to Suppress Evidence. Appellant, in his motion, argued that he was illegally seized and detained and that the two subsequent searches of his person and his vehicle were illegal. Appellee filed a response to appellant's motion on May 30, 2014.

{¶4} A hearing on appellant's Motion to Suppress was held on June 3, 2014. At the conclusion of the hearing, the trial court denied the Motion to Suppress, stating its belief that the "officers acted appropriately and reasonably under the circumstances." Transcript of Suppression hearing at 62. No written findings of fact were filed. Nor was there an entry memorializing the court's decision.

{¶5} On June 4, 2014, appellant pleaded no contest to possession of drugs (cocaine) in violation of R.C. 2925.11(A). The remaining count was dismissed. Pursuant to an Entry filed on August 29, 2014, appellant was sentenced to 11 months in prison.

{¶6} Appellant now raises the following assignments of error on appeal:

{¶7} THE TRIAL COURT APPLIED THE WRONG STANDARD WHEN DECIDING THE MOTION TO SUPPRESS AND ERRED AS A MATTER OF LAW.

{¶8} THE TRIAL COURT INCORRECTLY DENIED APPELLANT'S MOTION TO SUPPRESS EVIDENCE.

{¶9} THE TRIAL COURT'S FINDINGS OF FACT WERE AGAINST THE MANIFEST WEIGHT OF THE EVIDENCE.

I, II, III

{¶10} In his three assignments of error, appellant argues that the trial court erred in denying his Motion to Suppress.

{¶11} Upon review, it is apparent from the record that the trial court did not make any findings of fact pursuant to Crim. R. 12(F) before it overruled appellant's Motion to Suppress. Crim.R. 12(F) mandates that a trial court state its essential findings on the record when factual issues are involved in determining a motion to suppress. In order to invoke this provision, trial counsel must request the trial court to state its essential findings of fact on the record. *State v. Benner*, 40 Ohio St.3d 301, 317, 533 N.E.2d 701 (1988), abrogated in part on other grounds by *Horton v. California* , 496 U.S. 128, 110 S.Ct. 2301, 110 L.Ed.2d 112 (1990). While it is error for the trial court to fail in providing requested findings of fact, is not prejudicial where the record provides an appellate court with a sufficient basis to review the assignments of error. *Id.* at 317–318.

{¶12} While appellant did not specifically request findings of fact, we find that the record, standing alone, is insufficient to allow a full review of appellant's claims on appeal regarding his Motion to Suppress. We find that trial court has failed to provide us

with a sufficient basis upon which to determine whether its decision was supported by competent, credible evidence. See *State v. Brown*, 2nd Dist. No. 24297, 2012 -Ohio-195.

{¶13} Appellant's three assignments of error are, therefore, sustained.

{¶14} Accordingly, the judgment of the Muskingum County Court of Common Pleas is reversed and this matter is remanded to the trial court to make findings of fact and conclusions of law based on the evidence adduced at the suppression hearing.

By: Baldwin, J.

Farmer, P.J. and

Wise, J. concur.