

IN THE COURT OF APPEALS OF OHIO
SECOND APPELLATE DISTRICT
GREENE COUNTY

STATE OF OHIO

Appellee

v.

JANEL M. NELSON

Appellant

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C.A. No. 2025-CA-54

Trial Court Case No. 2024 CR 0525

(Criminal Appeal from Common Pleas
Court)

**FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on August 21, 2026, the judgment of the trial court is affirmed.

Costs to be paid as stated in App.R. 24.

Pursuant to Ohio App.R. 30(A), the clerk of the court of appeals shall immediately send a copy of the court's ruling to each party and note that action on the docket. Additionally, pursuant to App.R. 27, the clerk of the court of appeals shall send a certified copy of this judgment, which constitutes a mandate, to the clerk of the trial court and note the service on the appellate docket.

For the court,



MICHAEL L. TUCKER, JUDGE

EPLEY, J., and HANSEMAN, J., concur.

OPINION
GREENE C.A. No. 2025-CA-54

ADAM J. ARNOLD, Attorney for Appellant
MEGAN A. HAMMOND, Attorney for Appellee

TUCKER, J.

{¶ 1} Defendant-appellant Janel M. Nelson appeals from her conviction of murder. For the reasons set forth below, we affirm.

I. Factual and Procedural Background

{¶ 2} On August 22, 2024, the body of M.S. was discovered in his home in Greene County, Ohio. It was determined that M.S. had been killed by a gunshot wound to the back of his head. Following an investigation, Nelson was identified as a suspect, but it was determined that she had left Ohio and traveled to Nebraska. Detective John Bondy of the Beavercreek Police Department contacted Omaha Police Department Detective Ryan Hinsley and asked him to help locate Nelson. Bondy provided a photograph of Nelson and a list of Nelson’s family contacts in the Omaha area. He also advised that Nelson might be located at a homeless shelter in the area. Bondy indicated that Nelson might be driving a silver car with Wisconsin license plates.

{¶ 3} On August 26, 2024, Hinsley and another detective went to a local shelter, where they observed a sedan matching the description provided by Bondy. A woman matching Nelson’s photograph was observed walking out of the shelter and approaching the sedan. Hinsley called out the name “Janel Neson” and the woman acknowledged that was her name. Hinsley advised her that another agency wanted to speak to her concerning an investigation, and he asked whether she would come to the Omaha Police Department to meet with investigators. Nelson agreed.

{¶ 4} A uniformed Omaha officer arrived to transport Nelson. Nelson was informed that police department policy granted the officer the discretion to place her in handcuffs for the transport. Nelson indicated that she understood the policy and stated that she was willing to proceed. Nelson was placed in handcuffs. Her cell phone, purse, and car keys were taken from her prior to transport.

{¶ 5} At the police department, Nelson was uncuffed and placed in an interview room. Hinsley informed Nelson of her rights under *Miranda v. Arizona*, 384 U.S. 436 (1966). An interview ensued, which was recorded.

{¶ 6} On October 25, 2024, Nelson was indicted on one count of murder in violation of R.C. 2903.02(B) and one count of felonious assault in violation of R.C. 2903.11(A)(2). Both counts carried a three-year firearm specification and a forfeiture specification. She was extradited and returned to Ohio.

{¶ 7} In December 2024, Nelson filed a motion to suppress all statements made during her interaction with the Omaha detectives. The motion was overruled.

{¶ 8} Following plea negotiations, Nelson agreed to plead no contest to the charge of murder and its attendant firearm and forfeiture specifications. She further agreed to pay restitution and the cost of extradition. In exchange, the State agreed to dismiss the remaining charge and specifications. The plea agreement contained an acknowledgement that the trial court was required to impose a sentence of life imprisonment with the possibility of parole after 18 years of imprisonment. The trial court sentenced Nelson as set forth in the plea agreement.

{¶ 9} Nelson appeals.

II. Suppression

{¶ 10} Nelson asserts the following two assignments of error:

THE TRIAL COURT ERRED IN DENYING MS. NELSON'S MOTION TO SUPPRESS STATEMENTS OF HER UNLAWFUL SEIZURE BY OFFICER.

THE TRIAL COURT ERRED IN FINDING MS. NELSON'S STATEMENTS WERE VOLUNTARY.

{¶ 11} Nelson argues that the trial court erred by not suppressing the statements she made during her interview at the Omaha police station. She claims that the “encounter between [herself] and law enforcement ceased to be consensual when officers handcuffed her and transported her to the police station for investigative questioning,” and the interview thus constituted a custodial interrogation necessitating warnings in accordance with *Miranda v. Arizona*, 384 U.S. 436 (1966). She further claims that her statements to the police were not voluntary, because the detectives engaged in deceptive practices during the interview.¹

{¶ 12} When deciding a motion to suppress, the trial court “assumes the role of the trier of fact, and, as such, is in the best position to resolve questions of fact and evaluate the credibility of the witnesses.” *State v. Retherford*, 93 Ohio App.3d 586, 592 (2d Dist. 1994); *State v. Knisley*, 2010-Ohio-116, ¶ 30 (2d Dist.). Accordingly, when this court reviews suppression decisions, we must accept the trial court's findings of fact if they are supported by competent, credible evidence. *Retherford* at 592. “Accepting those facts as true, we must

1. We note that on appeal Nelson asserts for the first time that the trial court should have granted the motion to suppress, because she was subjected to a de facto arrest when she was handcuffed, and also that the police lacked probable cause for her arrest. We need not address this argument as it was not raised before the trial court and thus not preserved for appellate review.

independently determine as a matter of law, without deference to the trial court's conclusion, whether they meet the applicable legal standard." *Id.*

{¶ 13} "The right to *Miranda* warnings is grounded in the Fifth Amendment's prohibition against compelled self-incrimination." *State v. Strozier*, 2007-Ohio-4575, ¶ 16 (2d Dist.), citing *Moran v. Burbine*, 475 U.S. 412, 420 (1986). However, "police are not required to give [*Miranda*] warnings to every person they question, even if the person being questioned is a suspect." *State v. Hatten*, 2010-Ohio-499, ¶ 49 (2d Dist.), citing *State v. Biros*, 78 Ohio St.3d 426, 440 (1997). *Miranda* warnings are required only for custodial interrogations. *Strozier* at ¶ 16. *Miranda* defined custodial interrogation as "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way." *Miranda* at 444. Such an inquiry "focuses upon how a reasonable person in the suspect's position would have understood the situation." *State v. Ferguson*, 2017-Ohio-7930, ¶ 70 (2d Dist.), citing *Berkemer v. McCarty*, 468 U.S. 420, 442 (1984). "[N]either the subjective intent of the officer, nor the subjective belief of the defendant is relevant." *State v. Hatten*, 2010-Ohio-499, ¶ 50 (2d Dist.).

{¶ 14} We have reviewed the transcript of the suppression hearing and the videotape and transcription of the interview at the Omaha police department and conclude that Nelson's arguments lack merit. Irrespective of whether she was in custody for purposes of *Miranda*, the record unequivocally demonstrates that she was properly advised of her *Miranda* rights before she was interrogated. Nelson indicated that she understood each right and that she was familiar with *Miranda* warnings, having been apprised of them in the past. There is nothing in the record to indicate that Nelson was incapable of understanding the warnings, or that she was under the influence of anything that may have impaired her ability

to understand the warnings. In short, the record supports a finding that Nelson knowingly, voluntarily, and intelligently waived her rights under *Miranda*.²

{¶ 15} Nelson also contends that her statements were not voluntarily made, because the police engaged in deceptive acts during the interview.

{¶ 16} A defendant's statements to police after a knowing, intelligent, and voluntary waiver of his or her *Miranda* rights are presumed to be voluntary. *E.g.*, *State v. Porter*, 2008-Ohio-4627, ¶ 13 (2d Dist.) (discussing *Miranda*). However, "[t]he *Miranda* presumption applies to the conditions inherent in custodial interrogation that compel the suspect to confess. It does not extend to any actual coercion police might engage in, and the Due Process Clause continues to require an inquiry separate from custody considerations and compliance with *Miranda* regarding whether a suspect's will was overborne by the circumstances surrounding his confession." *Id.* at ¶ 14, citing *Dickerson v. United States*, 530 U.S. 428 (2000).

{¶ 17} "In deciding whether a defendant's confession is involuntarily induced, the court should consider the totality of the circumstances, including the age, mentality, and prior criminal experience of the accused; the length, intensity, and frequency of interrogation; the existence of physical deprivation or mistreatment; and the existence of threat or inducement." *State v. Edwards*, 49 Ohio St.2d 31 (1976), paragraph two of the syllabus, *rev'd on other grounds*, 438 U.S. 911 (1978).

{¶ 18} After Nelson was transported to the police station, she was placed in an interview room and the handcuffs were removed. She was advised that she was not under

2. While Nelson correctly notes that she was asked questions for a few minutes prior to the administration of the warnings, those questions were merely preliminary background questions such as name, address, and age. Such routine background questioning is not required to be prefaced by *Miranda* warnings. *State v. Hale*, 2008-Ohio-3426, ¶ 33.

arrest and was free to leave. She was in the unlocked room alone for approximately 30 minutes before the detectives entered. After being advised of her *Miranda* rights, Nelson indicated that she was there voluntarily and agreed to speak with the detectives. Nelson said that she understood her rights and even indicated that she had been provided her *Miranda* rights on a prior occasion. The interview, which lasted for approximately three hours, was conversational in nature. During that time, Nelson was provided with food and drinks, permitted to go to the restroom, and allowed to take a break to smoke a cigarette. There are no claims that the detectives made any false promises of leniency or that they made any threats that would have caused Nelson to make statements against her will.

{¶ 19} We find no basis for concluding that any actions by the Omaha police improperly induced Nelson to make any statements during the interview. Thus, we conclude that the record does not support her claim that her statements were involuntary.

{¶ 20} Nelson's first and second assignments of error are overruled.

III. Conclusion

{¶ 21} Both of Nelson's assignments of error being overruled, the judgment of the trial court is affirmed.

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EPLEY, J., and HANSEMAN, J., concur.