

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

STATE OF OHIO

Appellant

v.

JOHN BAILEY ADAMS

Appellee

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C.A. No. 30803

Trial Court Case No. 2025 CR 02415/1

(Criminal Appeal from Common Pleas
Court)

**FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on October 2, 2026, the judgment of the trial court is reversed, and the matter is remanded for further proceedings.

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,



CHRISTOPHER B. EPLEY, JUDGE

TUCKER, J., and HANSEMAN, J., concur.

OPINION
MONTGOMERY C.A. No. 30803

ANDREW T. FRENCH, Attorney for Appellant
JAY A. ADAMS, Attorney for Appellee

EPLEY, J.

{¶ 1} Pursuant to R.C. 2945.67(A) and Crim.R. 12(K), the State of Ohio appeals the judgment of the Montgomery County Court of Common Pleas sustaining John Bailey Adams's motion to suppress evidence. For the following reasons, we reverse the trial court's judgment.

I. Facts and Procedural History

{¶ 2} At issue are two search warrants that were executed at Adams's property. According to the affidavit in support of the first search warrant, dated March 7, 2025, Adams had an active felony warrant through the Montgomery County Sheriff's Office for failure to appear on an original charge of possession of drugs and a probation violation. He was on probation until June 22, 2028. In addition, Adams was prevented from gun ownership due to prior felony convictions in 2008, 2014, and 2023.

{¶ 3} The affidavit further indicated that Adams has a history of drug-related involvement with the police. On July 19, 2019, Adams was pulled over driving a car, and police found his cigarette case that contained a white powder residue. On May 31, 2020, police found a passenger in Adams's truck who was unresponsive/overdosed and in possession of illegal narcotics and drug abuse instruments. On June 14, 2021, a car was pulled over on the way to Adams's house; drug abuse instruments were found inside the vehicle. On April 6, 2022, Adams was found unresponsive in his truck at the edge of his driveway. Those circumstances resulted in an OVI conviction and a felony drug possession

conviction. Approximately three weeks later, on April 26, 2022, Adams's friend was discovered slumped over in the passenger seat of a car in Adams's driveway. The friend was deceased, and the death was declared to be from natural causes. The affidavit noted that the friend had previously overdosed in 2019 and had been charged with aggravated possession of drugs.

{¶ 4} The affiant, Detective Paul Land of the Moraine Police Department, had personal experience with Adams's possession of illegal narcotics. At various times, Land had observed people who were involved in the sales or use of illegal narcotics with Adams or at Adams's home. In the fall of 2024, Land saw an individual in Adams's driveway who Land knew to be involved in the use of illegal narcotics. In January 2025, Land observed a different individual near the front of Adams's residence who Land knew to frequently possess illegal drugs and guns. Adams was closely associated with two other people who were involved in the sales or use of illegal narcotics; one of these individuals was also involved with stolen items.

{¶ 5} On March 7, 2025, Detective Land conducted a curbside trash pull at Adams's residence, collecting five bags of trash. In the trash was methamphetamine wrapped in cellophane. Shortly after the trash pull, on the same day, Land requested a search warrant based on the above, believing there was probable cause that narcotics were inside Adams's home. The warrant was signed by a neutral judge.

{¶ 6} During the execution of the search warrant, officers viewed what they believed to be stolen property at the residence. The suspected stolen property included a SSR Bison ATV that was listed as stolen, a 2003 Harley-Davidson with a distorted VIN, four trailers with no VIN or a VIN that had been ground down, and a Silverado cab that was listed as stolen. Later that day, a second search warrant was prepared, asserting that there was probable

cause to believe that the offense of receiving stolen property had occurred. Land requested that when the warrant was executed, items that were confirmed to be stolen or to have tampered VINs be removed from the property. The warrant was signed by the same judge who had issued the first warrant.

{¶ 7} On October 3, 2025, Adams was indicted on eleven counts of having weapons under disability, two counts of possession of a dangerous ordnance, and three counts of receiving stolen property. Adams filed a motion to suppress on November 12, 2025, based on his belief that the two search warrants for his property lacked probable cause. He requested suppression of the items taken from his property and any statements he made.

{¶ 8} An evidentiary hearing was held on February 27, 2026. Prior to the testimony, the State and defense counsel stipulated to a video that related to *Miranda* warnings and to the two search warrants and affidavits. The two search warrants and accompanying affidavits were introduced into evidence for a “four corners” review. The State also called Detective Land, who briefly testified, in part over defense counsel’s objection.

{¶ 9} After post-hearing briefs were filed, the trial court sustained Adams’s motion, finding that the first warrant lacked probable cause, and because the second warrant relied on the same averments and the evidence obtained during the first search, the second one necessarily did also. The court further found that the good faith exception did not apply.

{¶ 10} The State appeals from the trial court’s judgment, raising three assignments of error. We find the first assignment of error to be dispositive.

II. Law and Analysis

{¶ 11} The State’s first assignment of error claims that “the trial court’s suppression of the evidence was improper because the affidavit offered in support of the search warrants provided a substantial basis for the issuing magistrate to conclude that there was a fair

probability that a crime had been committed and that evidence of that crime would be found within the place to be searched.”

{¶ 12} “The Fourth Amendment to the United States Constitution and Article I, Section 14 of the Ohio Constitution provide that search warrants may only be issued upon probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the person and/or things to be seized.” *State v. Perez*, 2015-Ohio-1753, ¶ 9 (2d Dist.). “In this context, ‘probable cause’ means that the evidence presented in support of issuing the search warrant is sufficient for the magistrate to conclude that there is a fair probability that evidence of a crime will be found in a particular place.” *State v. Long*, 2020-Ohio-4090, ¶ 20 (6th Dist.), citing *State v. Castagnola*, 2015-Ohio-1565, ¶ 35.

{¶ 13} Under Crim.R. 41, a request for a search warrant requires an affidavit “establishing the grounds for issuing the warrant.” Crim.R. 41(C)(1). “If the judge is satisfied that probable cause exists, the judge shall issue a warrant identifying the property to be seized and naming or describing the person or place to be searched” Crim.R. 41(C)(2). “The finding of probable cause may be based upon hearsay in whole or in part, provided there is a substantial basis for believing the source of the hearsay to be credible and for believing that there is a factual basis for the information furnished.” *Id.*

{¶ 14} “In determining the sufficiency of probable cause in an affidavit submitted in support of a search warrant, “[t]he task of the issuing magistrate is simply to make a practical, common-sense decision whether, given all the circumstances set forth in the affidavit before him, including the “veracity” and “basis of knowledge” of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place.”” *State v. George*, 45 Ohio St.3d 325 (1989), paragraph one of the syllabus, quoting *Illinois v. Gates*, 462 U.S. 213, 238-239 (1983).

{¶ 15} When reviewing the sufficiency of probable cause for the issuance of a search warrant, an appellate court should not substitute its judgment for that of the magistrate by conducting a de novo determination of sufficiency. *George* at paragraph two of the syllabus. “Rather, the duty of a reviewing court is simply to ensure that the magistrate had a substantial basis for concluding that probable cause existed.” *Id.* It “should accord great deference to the magistrate’s determination of probable cause, and doubtful or marginal cases in this area should be resolved in favor of upholding the warrant.” *Id.* When determining whether a search warrant has been issued upon probable cause, reviewing courts must examine the totality of the circumstances. *State v. Jones*, 2015-Ohio-483, ¶ 15. The appellate court is confined to the four corners of the affidavit. *Castagnola*, 2015-Ohio-1565, at ¶ 39.

{¶ 16} To justify the finding of probable cause, the affidavit information must be timely and “include facts so closely related to the time of issuing the warrant.” *State v. Marler*, 2009-Ohio-2423, ¶ 37 (2d Dist.). The affidavit must contain facts that lead the judge to believe that that contraband is still on the premises. *State v. Maranger*, 2018-Ohio-1425, ¶ 36 (2d Dist.).

{¶ 17} When evaluating an affidavit in support of a search warrant, there is no arbitrary time constraint that dictates when information becomes stale. *Maranger* at ¶ 36. Some staleness factors include “the character of the crime, the criminal, the thing to be seized, as in whether it is perishable, the place to be searched, and whether the affidavit relates to a single isolated incident.” *State v. Mays*, 2011-Ohio-2684, ¶ 22, quoting *State v. Ingold*, 2008-Ohio-2303, ¶ 23 (10th Dist.).

{¶ 18} “Totality of the circumstances” is the proper standard of review to determine whether probable cause exists to issue a search warrant if the supporting affidavit relies in part on evidence seized from a trash pull. *Jones*, 2015-Ohio-483, at ¶ 19. In *Jones*, the trial

court granted a motion to suppress in a case that involved a trash pull, reviewing the trash pull in isolation pursuant to *State v. Weimer*, 2009-Ohio-4983 (8th Dist.). The trial court concluded that “one trash pull is not necessarily sufficient” to establish probable cause and that further investigation was needed to provide probable cause for the search warrant. In that case, no evidence connected the defendant to the address to be searched, the court noted, and there had been no controlled drug buys, no sustained surveillance, and no unusual activity observed at that address. Finally, there was no averment that Jones had ever been observed engaging in any criminal activity. On appeal, the Eighth District affirmed the trial court’s judgment. *State v. Jones*, 2013-Ohio-4915, ¶ 19 (8th Dist.).

{¶ 19} The Ohio Supreme Court reversed. The Court held that the facts in the affidavit must be considered as a whole, not in isolation, and upon doing so, the Court concluded that there was a fair probability that contraband would be found at the property. *Jones*, 2015-Ohio-483, at ¶ 18. The Supreme Court noted that police had received information linking the address to methamphetamine production and distribution from multiple sources, and that information was corroborated by the trash pull.

{¶ 20} Two cases in support of Adams’s argument that the information in the affidavit was stale include *State v. Gales*, 143 Ohio App.3d 55 (8th Dist. 2001), and *State v. Jones*, 72 Ohio App.3d 522 (6th Dist. 1991). Both of those cases, however, are distinguishable. In *Gales*, the Eighth District held that any probable cause resulting from the defendant’s alleged admission to an informant that “he had some heroin” at his residence had grown stale when a search warrant for the residence was issued three months later. *Gales* at 62. In *Jones*, the Sixth District held that allegations of cocaine sales from defendant’s residence did not establish the requisite degree of probable cause for the issuance of a search warrant after three months had elapsed since the alleged trafficking-related activity. Additionally, the

Jones court noted that the affidavit underlying the search warrant was totally devoid of facts linking the defendants to any alleged illegal activity. Neither *Gales* nor *Jones* involved a residential trash pull.

{¶ 21} Contrasting the above-mentioned cases, the Twelfth District held that anonymous complaints about drug activity at a residence—without reference to timing—coupled with a single trash pull established “a substantial basis for concluding that probable cause existed for issuing the search warrant.” *State v. Quinn*, 2012-Ohio-3123, ¶ 26 (12th Dist.). The court noted that there was no way to determine whether the information was stale because the supporting affidavit did not mention when the police received the anonymous tip. Nonetheless, that information coupled with a single trash pull that occurred 72 hours before the warrant’s issuance was sufficient to establish probable cause.

{¶ 22} In this case, the search warrant affidavit provided sufficient and diverse information that demonstrated probable cause to issue the search warrant. The information cited the trash pull that morning, which resulted in methamphetamine being found. The affidavit also cited Adams’s longstanding history with drugs. He was on probation for a felony drug conviction and had an active felony warrant. He had previous drug convictions and was associated with four individuals who were involved in illegal narcotics, one of whom was observed in the front of the residence in January 2025. Adams had overdosed in 2022, and in 2020, the passenger in his truck had overdosed. The judge was provided a six-year history of Adams’s interactions with drugs in addition to details of the trash pull conducted on the day the warrant was signed.

{¶ 23} A single trash pull, with nothing else, does not establish probable cause for the simple explanation that a random person could anonymously dispose drugs in an alleyway trash can. A drug history, an active felony warrant for a prior drug conviction, and a known

association with drug users, combined with drugs found in Adams's trash can, provided the judge with ample probable cause to sign the search warrant. A paragraph-by-paragraph analysis of the detective's affidavit ignores the totality of the circumstances standard enunciated by the Ohio Supreme Court. There was a fair probability that contraband would be found at the residence.

{¶ 24} The State's first assignment of error is sustained. The remaining two assignments of error argue alternative grounds for reversing the suppression ruling notwithstanding a finding that the warrant was improperly issued. Because we have concluded the warrant was properly issued, the State's first assignment of error is dispositive, and the other two assignments are overruled as moot.

III. Conclusion

{¶ 25} The trial court's judgment is reversed, and the matter is remanded for further proceedings.

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TUCKER, J., and HANSEMAN, J., concur.