

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

STATE OF OHIO

Appellant

v.

CHRISTIAN E. MILLER

Appellee

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C.A. No. 30795

Trial Court Case No. 2025 CRB 4326

(Criminal Appeal from Municipal Court)

**FINAL JUDGMENT ENTRY &
OPINION**

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Pursuant to the opinion of this court rendered on October 16, 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,



CHRISTOPHER B. EPLEY, JUDGE

LEWIS, P.J., and HUFFMAN, J., concur.

OPINION
MONTGOMERY C.A. No. 30795

STEPHANIE L. COOK, Attorney for Appellant
ARVIN S. MILLER, Attorney for Appellee

EPLEY, J.

{¶ 1} Pursuant to R.C. 2945.67(A) and App.R. 5(C), the State of Ohio appeals from a judgment of the Dayton Municipal Court that acquitted Christian E. Miller of obstructing official business and failure to disclose his personal information. The State asserts that the trial court erred in concluding that Miller was not in a “public place” for purposes of R.C. 2921.29(A)(1) when he was seated in the back seat of a police cruiser that was parked on a public roadway. For the following reasons, we agree with the State. Nevertheless, because the State cannot appeal the trial court’s not-guilty finding, the trial court’s judgment is affirmed.

I. Facts and Procedural History

{¶ 2} Just past midnight on December 10, 2025, Dayton Police Officer Chelsea Weitz and her trainee were patrolling on North Main Street when they observed a white Honda Civic turn onto Main Street without stopping at a stop sign. Weitz maneuvered her cruiser behind the Civic and initiated a traffic stop. The Civic stopped on Ridge Avenue near the intersection with Riverside Drive. There were two occupants: the driver and a front-seat passenger.

{¶ 3} Weitz approached the Civic and spoke with the driver. Officer Timothy Gould and his trainee arrived as backup while Weitz was doing so. The driver provided Weitz with identification that said he was a non-driver, but he told Weitz that he had a valid license. Weitz asked the driver to exit the Civic, and she placed him in her cruiser while she

investigated the status of his license. Gould then asked the passenger, later identified as Miller, to exit the car. Because it was a cold night and the Civic had stopped in the roadway, Gould had Miller sit in the back of his cruiser. When Gould asked Miller for his Social Security number, Miller refused to provide it. At that point, Gould was unaware of any reason why Miller was required to answer.

{¶ 4} Gould informed Weitz that the passenger did not want to provide his personal information. Weitz responded that there was marijuana in the car (she had seen it on the front passenger seat after Miller was removed from the Civic) and that the officers needed to confirm that the passenger was at least 21 years old. Gould returned to his cruiser and asked Miller for his name and date of birth, explaining that they needed to confirm his age due to the marijuana in the car. Believing that he was not required to respond, Miller again would not provide his information.

{¶ 5} Gould then asked the driver for his passenger's name, and the driver provided it. The driver thought that Miller had recently turned 21 years old. Weitz then asked Miller his age, and Miller ultimately replied that he was 21. Weitz told him that they needed to verify his age, but Miller would not provide his name or date of birth.

{¶ 6} Gould ran Miller's name through his cruiser's onboard computer. He learned that Miller was 21 years old and had two active warrants. Gould arrested Miller on the warrants and further told Miller that he had obstructed official business and failed to provide personal information, as required by law.

{¶ 7} Later that day, Miller was charged by complaint with obstructing official business in violation of R.C. 2921.31(A), a second-degree misdemeanor, and failure to disclose one's personal information in violation of R.C. 2921.29(A)(1), a fourth-degree misdemeanor. Miller pled not guilty to both charges.

{¶ 8} The matter proceeded to a bench trial on December 18, 2025, during which Officers Weitz and Gould testified. Their body camera videos were also admitted into evidence. After the State rested, Miller moved under Crim.R. 29(A) for a judgment of acquittal on both charges. With the State's agreement, the trial court granted Miller's Crim.R. 29(A) motion as to obstructing official business.

{¶ 9} As to the charge of failure to disclose one's personal information, defense counsel argued that possession of marijuana had been decriminalized statewide "decades ago" and therefore the officers lacked a reasonable suspicion that Miller was committing a criminal offense. Counsel further asserted that Miller was not required to disclose his birth date where his age was an essential element of the offense. The State responded that the officers reasonably believed that Miller was younger than 21 years old and that he unlawfully possessed marijuana. The prosecutor stated that Miller at least needed to provide his name upon request. The court took the matter under advisement and allowed the parties to file simultaneous briefs on whether Miller was required to disclose his identity and what criminal offense was being investigated. Both parties filed post-trial memoranda. Neither party raised, either at trial or in the party's memorandum, whether the back seat of Gould's cruiser was a "public place" under R.C. 2921.29(A)(1).

{¶ 10} When court reconvened on February 19, 2026, the trial court found Miller not guilty of failure to disclose one's personal information. The court first noted that although the officers may lawfully ask passengers to exit the vehicle, Miller had not engaged in any conduct to warrant a *Terry* stop or to justify placing him in a cruiser. The court further concluded that the officers did not have reasonable suspicion that Miller was committing or was going to commit a crime even though marijuana was in the car where Miller had been seated.

{¶ 11} The trial court further focused on whether the back of Gould’s cruiser was a “public place” for purposes of R.C. 2921.29(A)(1). The court noted that “public place” was not defined by R.C. 2921.29, but that definitions were provided in R.C. 3796.06 (the smoking ban statute) and *Black’s Law Dictionary*. The court found that although a police cruiser is public property, in the sense that it is owned by a governmental entity, “it would be a stretch to argue that the back of a police car is a public place.” The court explained, “I don’t know how a member of the public could enter a police car on their own accord and essentially have access to it and use it and avail themselves of the back of a police car the same way that they could a highway, park, or public building explicitly open to the public.” The court thus found that Miller was not in a “public place” when he failed to provide his personal information.

{¶ 12} The court issued a judgment of acquittal for both charges on March 27, 2026.

{¶ 13} The State appeals, challenging the trial court’s legal conclusions but not the verdict. It initially sought to raise three assignments of error, but we limited the appeal to the issue of whether the back seat of a police cruiser, when the cruiser is parked on a public roadway, is a “public place” under R.C. 2921.29(A)(1).

II. “Public Place” under R.C. 2921.29(A)(1)

{¶ 14} In its sole assignment of error, the State claims that the trial court erred as a matter of law when it held that the back seat of a police cruiser, located on a public roadway, is not a “public place” as contemplated by R.C. 2921.29(A)(1). It contends that a police cruiser located on a public roadway, where the officer(s) and suspect(s) can be viewed by others passing by, constitutes a public place.

{¶ 15} R.C. 2921.29(A)(1) provides: “(A) No person who is in a public place shall refuse to disclose the person’s name, address, or date of birth, when requested by a law

enforcement officer who reasonably suspects either of the following: (1) The person is committing, has committed, or is about to commit a criminal offense.” Neither R.C. 2921.29 nor R.C. Chapter 2921 generally defines “public place.” See R.C. 2921.01 (definitions).

{¶ 16} There is a definition for “public place” in R.C. 3794.01, the definitional section of the smoking ban statute. For purposes of that statute, a “public place” means “an enclosed area to which the public is invited or in which the public is permitted and that is not a private residence.” R.C. 3794.01(B). *Black’s Law Dictionary* states that a “public place” is “[a]ny location that the local, state, or national government maintains for the use of the public, such as a highway, park, or public building.” *Black’s Law Dictionary* (12th Ed. 2024).

{¶ 17} In *Blair*, we addressed whether the processing room inside a police station was a “public place” under R.C. 2921.29(A). We considered R.C. 3794.01(B) and *Black’s Law Dictionary’s* definition to conclude that a “public place” was “somewhere ordinary citizens are regularly permitted to be.” *State v. Blair*, 2023-Ohio-88, ¶ 22 (2d Dist.). Using that definition, we found it “evident that part—but not all—of a police station is a public place.” *Id.* at ¶ 25. We explained: “For instance, the lobby or front desk area of a police station would likely be considered a public place; citizens can come and go freely, and it is a space maintained for the public. The secure locations inside the police station—places that ordinary citizens cannot go or can go only when accompanied by authorized personnel (i.e., police officers)—are not ‘public places.’” *Id.* We held that Blair’s conviction for failure to disclose his personal information was not supported by insufficient evidence, because he refused to identify himself in the processing room, which was not public. *Id.* at ¶ 27.

{¶ 18} We emphasize here that while R.C. 3794.01(B) and *Black’s Law Dictionary* were instructive in *Blair*, we did not adopt either authority’s precise definition. We see no

reason why “public place” under R.C. 2921.29 should be limited to enclosed spaces, as R.C. 3794.01(B) states, nor to locations owned by governmental entities, as *Black’s* states.

{¶ 19} Indeed, in *State v. Deacey*, 2017-Ohio-8102, ¶ 67-68 (2d Dist.), we discussed whether the subject of a traffic stop in the parking lot of a closed business was in a “public place” under R.C. 2921.29(A)(1). We relied on *Green v. Rhoades*, 2001 WL 251351 (9th Dist. Mar. 14, 2001), in which, for purposes of the open container laws, the Ninth District rejected a definition of “public place” based on the ownership of the property. The Ninth District stated, “[E]vidence that property is privately or publicly owned is not determinative of whether such property constitutes a public place.” *Green* at *2. The *Green* court looked to the extensive body of law defining public places for purposes of the First Amendment and held that “for privately owned property to be deemed to be a public place, the public at large must be invited to either enter, remain on and/or cross the property.” *Id.*

{¶ 20} Unlike our prior cases, the First District has addressed the specific issue before us: whether the back seat of a police cruiser is a “public place” for purposes of R.C. 2921.29(A) when the cruiser is on a public roadway. See *State v. Bell*, 2026-Ohio-3614 (1st Dist.). In a 2-1 decision, the First District held it was not. In reaching that conclusion, the *Bell* majority first considered the common definition of “public” and identified three possible meanings: (1) public in the sense that it relates to governmental entities; (2) public in the sense that it is accessible or shared by the community at large; or (3) public in the sense that it is exposed to general view. *Id.* at ¶ 20-23. The court also cited *Ballentine’s Law Dictionary* (3d Ed. 1969) and *Black’s Law Dictionary* (11th Ed. 2019), both of which defined “public place.” *Id.* at ¶ 24. *Ballentine’s* definition was consistent with the second common definition of “public,” whereas *Black’s* incorporated aspects of the first and second common definitions. *Id.*

{¶ 21} The First District further discussed *Blair* and *Deacey*, as well as *State v. Mitchem*, 2014-Ohio-2366 (1st Dist.), which held that a person’s driveway was a public place, not part of the home’s curtilage. *Mitchem*, in turn, cited to *State v. Eberhart*, 2002 WL 397744, *3 (1st Dist. Mar. 15, 2002), which held that a traffic stop in the defendant’s driveway occurred in a “public place” for purposes of the Fourth Amendment when there was no evidence that the driveway “was somehow hidden from public view.”

{¶ 22} Citing *Blair* and *Deacey*, the First District agreed with us that a “public place” is a place where ordinary citizens are regularly permitted to be and which they may enter, remain, or cross. *Bell* at ¶ 28. “If the general public cannot enter a place, it is not public.” *Id.* As to whether a police car is a public place, the First District concluded, similarly to the trial court here, that police vehicles are not commonly open to the general public and thus not public places.

{¶ 23} The First District rejected the State’s argument that because the cruiser was parked on a public street, Bell was in a public place regardless of his detention in a nonpublic police vehicle. The First District emphasized that the officer had “**removed** Bell from the public street to the back of his car, where Bell could not leave and ‘ordinary citizens’ could not enter.” (Emphasis in original.) *Bell*, 2026-Ohio-3614, at ¶ 32 (1st Dist.). The court further found no merit to the State’s arguments that the loitering to engage in solicitation statute, R.C. 2907.241, and the open container statute, R.C. 4301.62, use “public place” to include cars on public roads. The court noted that “both R.C. 2907.241(A) and 4301.62(B) demonstrate that when the General Assembly wishes to cover individuals in cars on public roads, it knows how to do so.” *Id.* at ¶ 37. It further found that the public indecency statute, R.C. 2907.09, did not support the State’s argument, as that statute applied only to conduct that was likely to be viewed by others. *Id.* at ¶ 38.

{¶ 24} Finally, the First District found unpersuasive the State’s “purpose and policy” argument: that because *Terry* stops are sometimes safer and easier when the detainee is placed in an officer’s cruiser, the detained individual can be made to identify himself or herself just as if the person were on the street. While the appellate court found the argument to have “intuitive appeal,” it reasoned that it could not replace the Ohio legislature’s intent with its own. The court thus reversed Bell’s conviction for failing to provide his personal information.

{¶ 25} The dissenting judge in *Bell* viewed the question differently. Rather than focusing on whether the vehicle was public or private, the judge considered the relevant issue to be whether Bell himself was in a public place when he was seated in a vehicle parked on the street. *Id.* at ¶ 61 (Zayas, P.J., concurring in part and dissenting in part). The judge concluded that he was.

{¶ 26} In reaching this conclusion, the dissenting judge first emphasized that R.C. 2921.29 falls under R.C. Chapter 2921, which “criminalizes offenses committed against justice and public administration.” *State v. Steele*, 2013-Ohio-2470, ¶ 18. R.C. 2921.29 specifically requires a suspect “in a public place” to disclose his or her name to investigating officers. As stated in the dissent, “[o]btaining a suspect’s name ‘may inform an officer that a suspect is wanted for another offense, or has a record of violence or mental disorder.’” *Bell*, 2026-Ohio-3614, at ¶ 59 (1st Dist.), quoting *Hiibel v. Sixth Judicial Dist. Court*, 542 U.S. 177, 186 (2004).

{¶ 27} Turning to whether Bell was in a “public place,” the dissenting judge reasoned: Occupants of a vehicle will be in a public place for purposes of R.C. 2921.29 when the vehicle itself is located in a public place. A public place, such as a street or highway, is a fixed physical location. That location remains public

regardless of whether a person occupies it by walking, biking, or traveling in a vehicle. To hold otherwise would defeat the legislative intent by inhibiting officers from “assess[ing] the situation” while investigating a crime and ensuring their safety. See *Hiibel* at 186.

Exempting a person from R.C. 2921.21 merely because he is seated in a vehicle on a public road would lead to results likely never intended by the legislature. Under that reading, a person standing inches away from a vehicle on a public road would be required to provide his identifying information while a person sitting inside the same vehicle would not. Considering the intent of the statute, I am unpersuaded that the General Assembly could have intended the definition of “in a public place” to have the narrow meaning the majority ascribes to it. The relevant inquiry remains the physical location of the individual at the moment the officer requests identifying information, and an individual sitting in a vehicle on a public road is “in a public place” for purposes of R.C. 2921.29.

Id. at ¶ 61-62 (1st Dist.).

{¶ 28} The parties’ arguments in this case mirror those presented in *Bell*. The State asserts that the situation is not comparable to a secure location inside a police station, and it likens the scenario before us to the crime of public indecency that takes place in a motor vehicle. The State argues that whether a person is in a public place depends on the circumstances and the likelihood that conduct could be viewed by others, rather than the physical location alone.

{¶ 29} Although the State was unable to find legislative history to clarify the meaning of “public place” in R.C. 2921.29(A), it further asserts that “the legislature could not have

intended the backseat of a police cruiser, located on a public roadway, to be anything other than a public place.” It elaborates:

The police cruiser is an officer’s office on wheels. It is where the KDT [on-board computer] is located, which provides the requisite information a police officer needs to complete his/her investigative business, including running a suspect’s information. To require the officer to keep a suspect outside of the vehicle when requesting their personal information could pose serious safety concerns for the officers, suspects, and the public alike. This could not have been the will of the legislature.

Appellant’s Brief, p. 7.

{¶ 30} For his part, Miller contends that “[a] police cruiser is not a ‘public place’ any more than a private automobile on a public highway is a public place.” He points to case law addressing R.C. 4301.69(E) (public intoxication by underaged person), Dayton R.C.G.O. 90.14 and 90.15, and Hamilton Cod.Ord. 1335.15 (open container ordinance) to argue that private vehicles have not been deemed to be public places under those authorities. He further states that the public indecency statute focuses on whether someone can be seen, not where the conduct occurs. Miller maintains that “[t]he right of public access is the touchstone of the definition of what is a ‘public place’ [and] [t]here is no right of public access to police cruisers.” He characterizes a police cruiser as the officer’s “private office with all the equipment necessary to do the work of the officers.”

{¶ 31} Both sides make reasonable and, for different reasons, compelling arguments. However, we find the general viewpoint of the State and the rationale provided by the dissenting judge in *Bell* to be more persuasive. The traffic stop in this case occurred at the intersection of Ridge Avenue and Riverside Drive in Dayton. The Civic stopped on the public

roadway, and the body camera videos showed vehicles passing by while the traffic stop was ongoing. As expressed by the dissenting judge in *Bell*, the occupants of a vehicle are in a public place for purposes of R.C. 2921.29(A)(1) when the vehicle is located in a public place, regardless of whether the vehicle itself is not publicly accessible.

{¶ 32} We agree with the State that the General Assembly simply could not have intended the meaning adopted by the trial court and the majority in *Bell*, and put forth by Miller here. Under the trial court’s interpretation, R.C. 2921.29(A)(1) would also be inapplicable in any investigatory detention, traffic stop or otherwise, where the police question an individual who is seated in his or her private vehicle, regardless of where the vehicle is located. In the case of a traffic stop, R.C. 2921.29(A)(1) would apply only if the vehicle’s occupants are removed from the stopped vehicle and questioned on the roadway. Considering that the statute aims to promote the administration of justice, we find the trial court’s interpretation to cause an absurd result. Because Officer Gould’s cruiser was on a public roadway, Miller was in public place for purposes of R.C. 2921.29(A)(1) when he failed to provide his personal information while seated in the cruiser.

{¶ 33} The State’s assignment of error is sustained.

III. Conclusion

{¶ 34} Although we disagree with the trial court’s legal interpretation of “public place” under R.C. 2921.29(A)(1), the trial court’s judgment of acquittal is affirmed.

IV. Certification of a Conflict

{¶ 35} Because we recognize that our judgment conflicts with the First District’s holding in *Bell*, 2026-Ohio-3614 (1st Dist.), we sua sponte certify a conflict to the Supreme Court of Ohio pursuant to Article IV, Section 3(B)(4) of the Ohio Constitution. The certified question is:

Is the back seat of a police cruiser, which is parked on a public roadway, a
“public place” within the meaning of R.C. 2921.29?

{¶ 36} We note that our sua sponte decision to certify a conflict does not relieve the parties of the obligation to follow all Supreme Court procedural rules governing the filing of an appeal of right. We also direct the parties to Rule 8.01, which concerns the institution of a certified conflict case in the Supreme Court following the sua sponte certification of a conflict by a court of appeals.

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LEWIS, P.J., and HUFFMAN, J., concur.