[Cite as *State v. Hall*, 2026-Ohio-4525.]

IN THE COURT OF APPEALS OF OHIO
THIRD APPELLATE DISTRICT
ALLEN COUNTY

STATE OF OHIO,

PLAINTIFF-APPELLEE,

v.

ELIAS M. HALL,

DEFENDANT-APPELLANT.

CASE NO. 1-26-41

OPINION AND JUDGMENT ENTRY

Appeal from Allen County Common Pleas Court
Trial Court No. CR2025 0327

Judgment Affirmed

Date of Decision: November 16, 2026

APPEARANCES:

Kenneth J. Rexford **for Appellant**

John R. Willamowski, Jr. **for Appellee**

WALDICK, J.

{¶1} Defendant-appellant, Elias Hall ("Hall"), appeals the judgment of conviction and sentence entered against him in the Allen County Court of Common Pleas, following his plea of no contest to Aggravated Possession of Drugs. On appeal, Hall argues that the trial court erred in denying his motion for intervention in lieu of conviction and, further, that the trial court erred in overruling a motion to suppress evidence filed by Hall. For the reasons set forth below, we affirm.

Procedural History

{¶2} This case originated on October 16, 2025, when an Allen County grand jury returned a single-count indictment against Hall, charging him with Aggravated Possession of Drugs (Methamphetamine), a third-degree felony in violation of R.C. 2925.11(A) and (C)(1)(b).

{¶3} On December 23, 2025, Hall filed a written plea of not guilty to the single-count indictment.

{¶4} On January 5, 2026, Hall filed a motion to suppress evidence, seeking the suppression of the methamphetamine alleged to have been located and seized by law enforcement officers during a warrantless search of a vehicle in which Hall had been seated just prior to the search and seizure.

{¶5} On February 18, 2026, Hall filed a request and motion for intervention in lieu of conviction pursuant to R.C. 2951.041. On February 26, 2026, the State of Ohio filed an objection to the motion seeking intervention in lieu of conviction.

{¶6} On February 23, 2026, an evidentiary hearing was held on Hall's motion to suppress. On March 3, 2026, the trial court filed a judgment entry overruling the motion to suppress.

{¶7} On March 13, 2026, the trial court filed a judgment entry finding that Hall was ineligible for intervention in lieu of conviction pursuant to R.C. 2951.041, and denying Hall's request for the same.

{¶8} On March 18, 2026, Hall withdrew his initial plea of not guilty and entered a plea of no contest to the single count of the indictment. The trial court accepted the no contest plea and, upon the same, found Hall guilty as charged in the indictment. The trial court then ordered a presentence investigation.

{¶9} On May 11, 2026, a sentencing hearing was held. At that time, Hall was sentenced to a term of 18 months in prison. Later that same date, the trial court journalized its sentencing orders.

{¶10} On May 15, 2026, Hall filed this appeal, in which he raises two assignments of error.

First Assignment of Error

The Trial Court erred in finding Mr. Hall ineligible [for] intervention in lieu of conviction, pursuant to R.C. 2951.041.

Second Assignment of Error

The Trial Court erred in denying the defense motion to suppress the direct and derivative use of the warrantless seizure of the accused and search of the vehicle from which he was seized and removed.

Analysis of Assignments of Error

First Assignment of Error

{¶11} In the first assignment of error, Hall argues that the trial court erred in determining that he was not eligible for intervention in lieu of conviction ("ILC").

{¶12} ILC is a proceeding governed by R.C. 2951.041. "In enacting R.C. 2951.041, 'the legislature made a determination that when chemical abuse is the cause or at least a precipitating factor in the commission of a crime, it may be more beneficial to the individual and the community as a whole to treat the cause rather than punish the crime.'" *State v. Casto*, 2009-Ohio-791, ¶ 7 (12th Dist.), quoting *State v. Shoaf*, 140 Ohio App.3d 75, 77 (10th Dist. 2000).

{¶13} Specifically, R.C. 2951.041(A)(1) provides, in relevant part, that "[i]f an offender is charged with a criminal offense * * * and the court has reason to believe that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged * * * , the court may accept, prior to the entry of a guilty plea, the offender's request for intervention in lieu of conviction." R.C. 2951.041 then permits a court which determines that an alleged offender would benefit from substance abuse treatment to commit him or her to its probation department for that purpose, avoiding trial and a possible conviction of the criminal charges involved. The form of supervision employed is "as if the offender was subject to a community control sanction imposed under section

2929.15, 2929.18, or 2929.25 of the Revised Code[.]" R.C. 2951.041(D). In exchange, the offender must waive certain rights and then plead guilty, after which the criminal proceeding is stayed while the offender engages in the supervision ordered by the court. R.C. 2951.041(C). Successful completion of the intervention plan results in a dismissal of the charges, "without adjudication of guilt." R.C. 2951.041(E).

{¶14} R.C. 2951.041(B) establishes the eligibility standards for participation in ILC, and sets forth a number of requirements that an offender must satisfy in order to be eligible for intervention.

{¶15} "'Generally, a trial court's decision relative to an offender's motion for ILC is reviewed for an abuse of discretion.'" *State v. Hayes*, 2025-Ohio-2483, ¶ 29 (3d Dist.), quoting *State v. Seawell*, 2020-Ohio-155, ¶ 5 (12th Dist.). "'However, a trial court's interpretation and application of the statutory eligibility requirements for intervention is a matter of law subject to a de novo review.'" *Id.*

{¶16} In the instant case, at issue are the eligibility requirements set forth in R.C. 2951.041(B)(2) and (B)(3). Those subsections of the statute read as follows:

> (B) An offender is eligible for intervention in lieu of conviction if the court finds all of the following:
>
> * * *
>
> (2) The offense is not a felony of the first, second, or third degree, is not an offense of violence, is not a felony sex offense, is not a violation of division (A)(1) or (2) of section 2903.06 of the Revised Code, is not a violation of division (A)(1) of section 2903.08 of the Revised

> Code, is not a violation of division (A) of section 4511.19 of the Revised Code or a municipal ordinance that is substantially similar to that division, and is not an offense for which a sentencing court is required to impose a mandatory prison term.
>
> (3) The offender is not charged with a violation of section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged with a violation of section 2925.03 of the Revised Code that is a felony of the first, second, third, or fourth degree, and is not charged with a violation of section 2925.11 of the Revised Code that is a felony of the first or second degree.

{¶17} The trial court found Hall to be ineligible for ILC pursuant to R.C. 2951.041(B)(2), based on the fact that Hall was charged in the indictment with a third-degree felony and R.C. 2951.041(B)(2) provides that felonies of the first, second, or third degree are not eligible for ILC.

{¶18} However, Hall contends on appeal – as he did in the trial court – that R.C. 2951.041(B)(2) does not bar him from eligibility for ILC, based on Hall's assertion that R.C. 2951.041(B)(2) must be read in conjunction with R.C. 2951.041(B)(3). Specifically, Hall argues that although R.C. 2951.041(B)(2) requires that the "offense is not a felony of the first, second, or third degree," that language must be applied in conjunction with R.C. 2951.041(B)(3), which requires that, for ILC eligibility, "[t]he offender * * * is not charged with a violation of section 2925.11 of the Revised Code that is a felony of the first or second degree." Hall contends that R.C. 2951.041(B)(3) reflects a legislative intention to permit offenders charged with third-degree felony possession of drugs in violation of R.C. 2925.11 to be eligible for ILC. Hall also argues that those statutory

provisions result in the statute being ambiguous. Based on a theory of statutory ambiguity, Hall asserts that R.C. 2951.041(B)(3) is a more specific provision than R.C. 2951.041(B)(2) and therefore the more specific provision must be given effect pursuant to R.C. 1.51. In support of his position, Hall also cites to other statutory rules of construction codified in Chapter 1 of the Ohio Revised Code, including R.C. 1.11, R.C. 1.47, and R.C. 1.49.

{¶19} As the Supreme Court of Ohio has explained, the object of judicial investigation in the construction of a statute is to ascertain and give effect to the legislature's intent in enacting the statute. *State v. Hairston*, 2004-Ohio-969, ¶ 11. A court may engage in statutory interpretation *when* the statute under review is ambiguous. *Id*. (Emphasis added.)

{¶20} "'But the intent of the law-makers is to be sought first of all in the language employed, and if the words be free from ambiguity and doubt, and express plainly, clearly and distinctly, the sense of the law-making body, there is no occasion to resort to other means of interpretation.'" *Hairston*, at ¶ 12, quoting *Slingluff v. Weaver*, 66 Ohio St. 621, paragraph two of the syllabus (1902). "'The question is not what did the general assembly intend to enact, but what is the meaning of that which it did enact. That body should be held to mean what it has plainly expressed, and hence no room is left for construction.'" *Id*.

{¶21} Put more simply, a court must first look to the plain language of the statute to determine the legislative intent. *State ex rel. Burrows v. Indus. Comm*., 78

Ohio St.3d 78, 81 (1997). When the statute's meaning is unambiguous and definite, we apply the statute as written and no further interpretation is necessary. *Id.*

{¶22} Therefore, the preliminary question for us to decide in this case is whether R.C. 2951.041 is ambiguous. If the statute is not ambiguous, then we need not interpret it, we must simply apply it. *Hairston*, *supra*, at ¶ 13, citing *Sears v. Weimer*, 143 Ohio St. 312, paragraph five of the syllabus (1944).

{¶23} In *State v. Hayes*, 2025-Ohio-2483 (3d Dist.), the defendant-appellant raised the same argument as that raised here, relating to the interplay between R.C. 2951.041(B)(2) and R.C. 2951.041(B)(3). In *Hayes*, while this Court ultimately found it unnecessary to rule on that claim due to Hayes having forfeited it in the trial court, we noted that such a claim had been rejected on the merits in *State v. Seawell*, 2020-Ohio-155, ¶ 5 (12th Dist.). *Hayes*, at ¶ 31.

{¶24} In *Seawell*, the Twelfth District Court of Appeals found that the R.C. 2951.041(B), when read as a whole, is not ambiguous, as the plain language utilized in R.C. 2951.041(B)(2) is "specific to the offenses to which one pleads guilty" whereas R.C. 2951.041(B)(3) is "specific to the charges brought against an offender regardless of his or her ultimate plea." *Id*., at ¶ 10. In looking to the plain language of the statute, the court of appeals in *Seawell* noted:

> In order to qualify for ILC, the defendant must meet each of the ten requirements set forth in R.C. 2951.041(B)(1) thru (10). Among these, and according to R.C. 2951.041(B)(2), an offender is not eligible for ILC if the offense to which he or she ultimately pleads guilty involves a felony of the first, second, or third degree. According

> to R.C. 2951.041(B)(3), the offender must also not be *charged* with specific enumerated offenses, such as a violation of R.C. 2925.02, R.C. 2925.04, or R.C. 2925.06. Nor can the offender be charged with a violation of R.C. 2925.03 that is a felony of the first, second, third, or fourth degree. Nor can the offender be charged with a violation of R.C. 2925.11 that is a felony of the first or second degree.

Id., at ¶ 7. (Emphasis *sic*.)

{¶25} In *Seawell*, the defendant-appellant argued – as Hall does in this appeal – that relatively recent legislative changes to the ILC statutory scheme made him eligible for ILC because subsection (B)(3) no longer renders an offender charged with a third-degree possession charge ineligible for ILC. *Seawell*, at ¶ 10. Seawell asserted that this change shows that the legislature had the intent to make a specific exception for third-degree felony possession charges, which would be rendered ineffectual because of the (B)(2) exclusion of all third-degree felonies. *Id*. In analyzing that claim, the Twelfth District Court of Appeals noted as follows:

> However, and as stated above, (B)(2) is specific to the offenses to which one pleads guilty while (B)(3) is specific to the charges brought against an offender regardless of his or her ultimate plea.
>
> Moreover, and despite changes made to the statute, the legislature chose not to remove the requirement stated in R.C. 2951.041(B) that the offender meet "all of the" ten enumerated requirements, including the one listed in subsection (B)(2) that the offense not be of the first, second, or third degree.

Id., at ¶¶ 10-11.

{¶26} In the instant case, upon our de novo review of the statute at issue, we conclude that the language of R.C. 2951.041(B) is not ambiguous, for the same

reasons set forth in *Seawell* by our judicial colleagues on the Twelfth District Court of Appeals. In particular, we note that R.C. 2951.041(B) plainly states that "[a]n offender is eligible for intervention in lieu of conviction if the court finds *all of the following*", before listing a number of specific requirements that are also plainly stated in no uncertain terms. Because the statute's meaning is unambiguous and definite, we apply the statute as written and no further interpretation is necessary. *State ex rel. Burrows v. Indus. Comm*., *supra*, at 81.

{¶27} Accordingly, because R.C. 2951.041(B) requires that an ILC applicant meet "all of the" requirements set forth in that subsection in order to be eligible for intervention, the trial court did not err in denying Hall's request for ILC when he did not meet the requirement set forth in R.C. 2951.041(B)(2).

{¶28} The first assignment of error is overruled.

Second Assignment of Error

{¶29} In the second assignment of error, Hall asserts that the trial court erred in overruling the motion to suppress he filed regarding evidence seized by law enforcement on May 22, 2025, from a vehicle Hall had been occupying.

{¶30} At the February 23, 2026 suppression hearing, the State of Ohio presented the testimony of Deputy Dakota Franks of the Allen County Sheriff's Office. For purposes of that hearing, the parties also stipulated to the admission of State's Exhibits 1 through 5, being a cruiser-video recording and four photographs. The defense called no witnesses and presented no exhibits.

{¶31} On March 3, 2026, the trial court filed a judgment entry overruling the motion to suppress, finding that the warrantless search at issue was constitutionally valid pursuant to the plain view doctrine and the automobile exception to the general search warrant requirement.

{¶32} "Appellate review of a decision on a motion to suppress presents a mixed question of law and fact." *State v. Burnside*, 2003-Ohio-5372, ¶ 8. The trial court serves as the trier of fact and is the primary judge of the credibility of the witnesses and the weight to be given to the evidence presented. *State v. Johnson*, 137 Ohio App.3d 847, 850 (12th Dist. 2000). Therefore, when an appellate court reviews a trial court's ruling on a motion to suppress, it must accept the trial court's findings of fact so long as they are supported by competent, credible evidence. *State v. Roberts*, 2006-Ohio-3665, ¶ 100. The appellate court must then review the application of the law to the facts de novo. *Burnside*, at ¶ 8.

{¶33} In the instant case, the trial court reviewed the evidence presented at the suppression hearing and made findings of fact in its judgment entry overruling the motion to suppress, as follows:

> The evidence showed that on May 22, 2025 Sheriff's deputies were dispatched to the Howard Johnson's hotel on Roschman Avenue, Lima, Ohio to investigate a report from the hotel that a person was allegedly stealing money from the restaurant tip jar. When deputies arrived, the hotel staff told deputies that the suspected thief went to a grey Jeep in the hotel parking lot. The hotel staff wanted the alleged thief "trespassed" from the premises.

> Deputies Dakota Franks and Barginere located the only grey Jeep in the hotel parking lot, parked their cruisers near the Jeep and exited their cruisers and approached the Jeep. Defendant was seated in the Jeep. Deputy Franks testified that as the deputies arrived at the Jeep, Barginere said he saw defendant in the Jeep attempting to stick a syringe needle into his arm. Franks said he also saw the defendant with the needle to his arm. Franks also testified that he observed a clear plastic knotted baggy next to defendant. Exhibits two through five show that there was a white substance in the knotted baggy. Franks said he thought the syringe and baggy contained narcotics.
>
> Upon observing the syringe and baggy through the window, Franks said he knocked on the window. Defendant did not respond to the knock. Franks opened the Jeep door and asked defendant to get out. Defendant did not comply. Franks testified his aim was to prevent defendant from injecting whatever was in the syringe into his arm. Franks also testified that he grabbed defendant's arm to get him out of the Jeep. Defendant was detained and placed in Deputy Barginere's cruiser. Deputies then searched the Jeep and found the evidence that was the subject of the motion to suppress.

(3/3/26 Judgment Entry, Docket No. 33).

{¶34} Our review of the trial court's findings of fact, based on the evidentiary record of the suppression hearing, reflects that the trial court's findings are supported by competent, credible evidence and, therefore, we accept those factual findings. *State v. Roberts, supra*, at ¶ 100.

{¶35} As required, we now turn to a de novo review of the application of the relevant law to those facts. *State v. Burnside, supra*, at ¶ 8.

{¶36} In the instant case, the parties do not dispute that a warrant to search the vehicle at issue and to seize any of its contents was not issued prior to the search of the vehicle conducted by law enforcement on May 22, 2025. However, the trial

court determined that the plain view doctrine and the automobile exception to the search warrant requirement were applicable to the facts and justified the warrantless entry into Hall's vehicle and the search that occurred immediately thereafter.

{¶37} The Fourth Amendment to the United States Constitution protects individuals against unreasonable governmental searches and seizures. In *Katz v. United States*, 389 U.S. 347 (1967), the United States Supreme Court held that "searches conducted outside the judicial process, without prior approval by judge or magistrate, are per se unreasonable under the Fourth Amendment — subject only to a few specifically established and well-delineated exceptions." *Id.*, at 357.

As this Court explained in *State v. Parsons*, 2017-Ohio-1315 (3d Dist.):

> "A warrantless search of an automobile, where police officers have probable cause to believe such vehicle contains contraband, is one of the well-recognized exceptions to the constitutional requirement of a search warrant." *State v. James*, 5th Dist. Muskingum No. CT2015-0059, 2016-Ohio-7660, ¶ 23. "This 'automobile exception' allows a police officer to conduct a warrantless search of portions of a motor vehicle provided he or she has probable cause to believe it contains evidence of a crime." *Id.*, citing *Carroll v. United States*, 267 U.S. 132, 158-159, 45 S.Ct. 280, 69 L. Ed. 543, T.D. 3686, T.D. 3686 (1925). *See also State v. Turner*, 2nd Dist. Montgomery No. 27065, 2016-Ohio-7983, ¶ 24, 74 N.E.3d 858, 74 N.E.3d 858 ("'The police must have "probable cause" to believe that they will find the instrumentality of a crime or evidence pertaining to a crime before they begin their warrantless search.'"), quoting *State v. Kessler*, 53 Ohio St.2d 204, 208, 373 N.E.2d 1252 (1978), citing *Dyke v. Taylor Implement Mfg. Co.*, 391 U.S. 216, 221, 88 S.Ct. 1472, 20 L. Ed. 2d 538 (1968). "Probable cause is 'a belief, reasonably arising out of circumstances known to the seizing officer, that an automobile or other vehicle contains that which by law is subject to seizure and destruction.'" *Turner* at ¶ 24, quoting *Kessler* at 208, citing *Carroll* at 149.

Id., at ¶ 24.

{¶38} Under the automobile exception, probable cause must be based on objective facts that could justify the issuance of a warrant by a magistrate. *State v. Welch*, 18 Ohio St. 3d 88, 91-92 (1985). This determination of probable cause involves an examination of the totality of the circumstances to make a practical, common-sense decision whether there is a fair probability that contraband or evidence of a crime will be found in a particular place. *Illinois v. Gates*, 462 U.S. 213, 238-39 (1983); *State v. George*, 45 Ohio St. 3d 325, paragraph one of the syllabus (1989). Further, "if probable cause justifies the search of a lawfully stopped vehicle, it justifies the search of every part of the vehicle and its contents that may conceal the object of the search." *United States v. Ross*, 456 U.S. 798, 825-26 (1982).

{¶39} Following our de novo application of that relevant law to the facts in the instant case, we concur with the trial court's conclusion that Hall's vehicle was validly searched by the sheriff's deputies pursuant to the automobile exception to the search warrant requirement.

{¶40} As a preliminary matter, we note that, although not specifically raised by Hall on appeal, when Deputies Franks and Barginere initially approached Hall in the parked vehicle, the encounter was consensual and did not trigger any Fourth Amendment protections. *See*, *e.g.*, *State v. Celaya*, 2025-Ohio-5246, ¶ 25 (2d Dist.)

("approaching and questioning people seated in a parked vehicle does not constitute a seizure so as to require an officer to have a reasonable suspicion of criminal activity"); *State v. Woodgeard*, 2002-Ohio-3936, ¶ 34 (5th Dist.) ("[w]hen a police officer merely approaches a person seated in a parked car, no 'seizure' of the person occurs so as to require reasonable suspicion supported by specific and articulable facts"), citing *State v. Johnston*, 85 Ohio App.3d 475, 478 (4th Dist. 1993). A consensual encounter is not a seizure, therefore no Fourth Amendment rights are implicated. *Florida v. Bostick*, 501 U.S. 429, 434 (1991).

{¶41} In this case, upon Deputy Franks and his partner approaching Hall's vehicle, Hall was observed to be sitting in the driver's seat attempting to assert a syringe into his forearm. Immediately after making that observation, Franks also saw a clear plastic knotted baggie in between Hall's leg and the vehicle's center console. Deputy Franks testified that, in his time as a deputy sheriff, he had located narcotics both in vehicles and on persons and, in that experience, he had observed narcotics being held in the same type of packaging as that observed in this case, specifically being a clear plastic bag with a knotted end on it. Based on his observations while standing next to Hall's vehicle on the date in question, combined with his prior law enforcement experience with narcotics and how they are commonly packaged, Franks testified that he had believed the syringe being used by Hall contained a narcotic.

{¶42} While acknowledging Hall's argument that syringes also have legitimate medical uses, we nevertheless find that, on the totality of the circumstances known to Deputy Franks at the time in question, Deputy Franks' conclusion that the syringe contained a narcotic amounted to a practical, common-sense decision that there was a fair probability that contraband or evidence of a crime would be found in the vehicle. Accordingly, Deputy Franks had probable cause to believe that the syringe or its contents constituted illegal contraband and, in light of the automobile exception to the search warrant requirement, a constitutionally permissible basis existed to justify the warrantless search of Hall's vehicle. For those reasons, the trial court did not err in overruling Hall's motion to suppress.

{¶43} The second assignment of error is also overruled.

Conclusion

{¶44} Having found no error prejudicial to the defendant-appellant, Elias Hall, in the particulars assigned and argued, the judgment of conviction and sentence entered in the Allen County Court of Common Pleas is affirmed.

Judgment affirmed

ZIMMERMAN, P.J., and MILLER, J., concur.

JUDGMENT ENTRY

For the reasons stated in the opinion of this Court, the assignments of error are overruled and it is the judgment and order of this Court that the judgment of the trial court is affirmed with costs assessed to Appellant for which judgment is hereby rendered. The cause is hereby remanded to the trial court for execution of the judgment for costs.

It is further ordered that the Clerk of this Court certify a copy of this Court's judgment entry and opinion to the trial court as the mandate prescribed by App.R. 27; and serve a copy of this Court's judgment entry and opinion on each party to the proceedings and note the date of service in the docket. See App.R. 30.

Juergen A. Waldick, Judge

William R. Zimmerman, Judge

Mark C. Miller, Judge

DATED:
/jlm