[Cite as *State v. Pickell*, 2026-Ohio-4461.]

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
HOCKING COUNTY

STATE OF OHIO,	:	
	:	Case No. 25CA6
Plaintiff-Appellee,	:	
	:	
v.	:	DECISION AND JUDGMENT ENTRY
	:	
MARTY PICKELL,	:	
	:	**RELEASED: 10/29/2026**
Defendant-Appellant.	:	

APPEARANCES:

Scott P. Wood, Lancaster, Ohio, for appellant.

Robert N. Abdalla, Hocking County Assistant Prosecuting Attorney, Logan, Ohio, for appellee.

Wilkin, J.

{¶1} This is an appeal from a Hocking County Court of Common Pleas judgment entry of conviction in which appellant, Marty Pickell, pleaded no contest to five counts of having weapons while under disability as third-degree-felonies, and one count of receiving stolen property as a fourth-degree felony. The trial court imposed an aggregate prison term of 42 months in prison.

{¶2} In his sole assignment of error, Pickell challenges the trial court's denial of his motion to suppress. Pickell maintains that the search warrant issued was overbroad and lacked probable cause to support permitting law enforcement officers to search Pickell's residence, outbuildings, and vehicles. Pickell contends that the factual allegation in the search warrant affidavit only demonstrated that two stolen trailers were located in a field adjacent to Pickell's

residence. This factual allegation, Pickell asserts, did not establish probable cause permitting law enforcement officers to search Pickell's residence, outbuildings, and vehicles for other crimes, including drug-related offenses. We disagree and affirm the trial court's denial of Pickell's motion to suppress. Accordingly, we affirm the judgment of conviction entry.

FACTS AND PROCEDURAL BACKGROUND

{¶3} In January 2025, Detective Lieutenant David W. Wright with the Hocking County Sheriff's Office requested a search warrant to search Pickell's three adjoining properties. The detective attested that in December 2025, the Ross County Sheriff's Office was investigating the theft of vehicles, trailers, and tools, and that two possible stolen trailers were located on Pickell's property. A detective from the Ross County Sheriff's Office advised Detective Lieutenant Wright that one of the stolen trailers was sold and delivered to Pickell's residence. Detective Lieutenant Wright verified that two of the stolen trailers were on Pickell's property and that there was a third trailer.

{¶4} Three search warrants were issued and based on the searches, Pickell was indicted of committing 43 counts of having weapons while under disability and 3 counts of receiving stolen properties. Count one also included 40 firearm specifications for forfeiture of a weapon.

{¶5} Pickell pleaded not guilty and filed a motion to suppress asserting that the first search warrant, which was the basis for the issuance of two other search warrants, was overbroad and not supported by sufficient probable cause. Pickell argued that the first search warrant was overbroad because it only

referred to two stolen trailers that were in the field behind his residence, yet, the search warrant authorized law enforcement officers to search all of his properties, including his residence, outbuildings, and vehicles. Additionally, the search warrant granted law enforcement officers to search for evidence relating to drugs and conspiracy without any factual support establishing probable cause of Pickell committing these offenses.

{¶6} The State opposed Pickell's motion to suppress and argued that the search warrant was supported by probable cause and had sufficient particularity and guidance on what law enforcement officers could seize. The State claimed that the affidavit had sufficient facts for the crimes of receiving stolen property, theft, and complicity, and the affidavit specified the locations to be searched including parcel numbers of Pickell's properties. Moreover, the State concluded the good faith exception applies and law enforcement's reliance on the search warrant was reasonable.

{¶7} Pickell in response and in support of the suppression of the evidence argued that the only crime that the warrant supported was receiving stolen property, and the stolen trailers were located outside in the field. Therefore, Pickell maintained that there was no probable cause to search his residence and all his property, and that mere suspicion without supporting evidence is not sufficient to search for drugs. Accordingly, Pickell requested that all evidence seized from the searches should be suppressed with the exception of the two trailers.

{¶8} The parties agreed that a hearing was not required since the

suppression issue can be settled from the four corners of the search warrant request. After reviewing the briefing and the search warrant document, the trial court denied Pickell's motion to suppress.

{¶9} Pickell then elected to plead no contest to five counts of having weapons while under disability and one count of receiving stolen property. The State dismissed the remaining counts. The trial court imposed an aggregate prison term of 42 months. It is from this judgment entry that Pickell appeals.

ASSIGNMENT OF ERROR

THE TRIAL COURT COMMITTED REVERSABLE ERROR BY OVERRULING APPELLANT'S MOTION TO SUPPRESS EVIDENCE OBTAINED WITH A SEARCH WARRANT BASED ON INSUFFICIENT PROBABLE CAUSE.

{¶10} Pickell argues that the affidavit in support of the search warrant did not indicate that evidence of a crime would be located inside his residence. Pickell maintains that the only probable cause supported by the search warrant affidavit was for the retrieval of the stolen trailers that were located behind Pickell's residence on his adjacent property. The affidavit lacked any factual allegation permitting law enforcement to search for evidence of criminal conspiracy and drug possession at Pickell's residence, outbuildings, and vehicles. Therefore, the search warrant was constitutionally defective, and any evidence obtained from that search should have been suppressed.

{¶11} The State disagrees and contends that under the totality-of-the-circumstances, the search warrant contained sufficient information establishing probable cause to issue the search warrant. Specifically, the State asserts that the facts within the affidavit established probable cause for the crimes of theft,

receiving stolen property, and complicity. Accordingly, there was probable cause to issue the search warrant.

A. Standard of review and law

{¶12} The Fourth Amendment of the United States Constitution provides:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

{¶13} Article I, Section 14 of the Ohio Constitution, which has almost identical language, coextensively affords Ohioans protections against unreasonable searches and seizures as those provided by the United States Constitution. *See State v. Robinette*, 80 Ohio St.3d 234 (1997). The exclusionary rule bars the use of evidence secured by an unconstitutional search and seizure. *State v. Johnson*, 2014-Ohio-5021, ¶ 40. "[A] motion to suppress is the proper vehicle for raising constitutional challenges based on the exclusionary rule[.]" *State v. French,* 72 Ohio St.3d 446, 449 (1995).

{¶14} Appellate review of a motion to suppress presents a mixed question of law and fact. *State v. Burnside*, 2003-Ohio-5372, ¶ 8.

> When considering a motion to suppress, the trial court assumes the role of trier of fact and is therefore in the best position to resolve factual questions and evaluate the credibility of witnesses. *State v. Mills* (1992), 62 Ohio St.3d 357, 366, 582 N.E.2d 972. Consequently, an appellate court must accept the trial court's findings of fact if they are supported by competent, credible evidence. *State v. Fanning* (1982), 1 Ohio St.3d 19, 1 OBR 57, 437 N.E.2d 583. Accepting these facts as true, the appellate court must then independently determine, without deference to the conclusion of the trial court, whether the facts satisfy the applicable legal standard. *State v. McNamara* (1997), 124 Ohio App.3d 706, 707 N.E.2d 539.

Id.

{¶15} The matter at bar involves the execution of a search warrant. Crim.R. 41(C)(1) provides that

> A warrant shall issue on either an affidavit or affidavits sworn to before a judge of a court of record or an affidavit or affidavits communicated to the judge by reliable electronic means establishing the grounds for issuing the warrant. In the case of a search warrant, the affidavit shall name or describe the person to be searched or particularly describe the place to be searched, name or describe the property to be searched for and seized, state substantially the offense in relation thereto, and state the factual basis for the affiant's belief that such property is there located. In the case of a tracking device warrant, the affidavit shall name or describe the person to be tracked or particularly describe the property to be tracked, and state substantially the offense in relation thereto, state the factual basis for the affiant's belief that the tracking will yield evidence of the offense. If the affidavit is provided by reliable electronic means, the applicant communicating the affidavit shall be placed under oath and shall swear to or affirm the affidavit communicated.

{¶16} "Before the issuance of a search warrant, 'the judicial officer issuing such a warrant [must] be supplied with sufficient information to support an independent judgment that probable cause exists for the warrant.' " *State v. Byrd*, 2025-Ohio-1045, ¶ 13, *motion for delayed appeal granted*, 2025-Ohio-2888, and *appeal not allowed*, 2025-Ohio-4853, quoting *Whiteley v. Warden*, 401 U.S. 560, 564 (1971). And probable cause is demonstrated " 'only when the affidavit supporting the warrant establishes a "fair probability that contraband or evidence of a crime will be found in a particular place." ' " *Id*., quoting *State v. Schubert*, 2022-Ohio-4604, ¶ 11, quoting *Illinois v. Gates*, 462 U.S. 213, 238 (1983). Moreover,

> [i]n 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).

{¶17} " 'In other words, the issuing authority must examine the "totality-of-the-circumstances" in determining whether probable cause exists to issue a search warrant." *State v. Houser*, 2026-Ohio-1339, quoting *State v. Craw*, 2018-Ohio-1769, ¶ 15 (3d Dist.), quoting *George,* 45 Ohio St.3d 325, 329 (1989).

{¶18} The trial court determined that the four corners of the affidavit in support of the request to search Pickell's three properties included sufficient facts to support a probable cause determination. We similarly, in reviewing the trial court's probable cause determination, must base our review on the four corners of Detective Lieutenant Wright's affidavit. *See State v. Castagnola*, 2015-Ohio-1565, ¶ 106.

B. The search warrant

{¶19} Detective Lieutenant Wright as the affiant, attested to his law enforcement experience of over six years with the Hocking County Sheriff's Office, and that based on his experience:

- That individuals commonly maintain addresses or telephone numbers in books or papers that reflect names, addresses and/or telephone numbers of their criminal associates;
- That it is common for individuals to secrete contraband, monies, and records in secure locations within their residences and/or

businesses for ready access and to conceal them from law enforcement authorities;
- That individuals involved in criminal activity commonly use electronic equipment to aid them in their criminal activities. This equipment includes, but is not limited to, mobile telephones, electronic telephone books, electronic date books, computers, money counters, electronic surveillance equipment;
- That individuals commonly use social media accounts to communicate with associates and co-conspirators, store photos/videos and/or record the criminal act.

{¶20} Detective Lieutenant Wright then outlined the facts that triggered the request for the search warrant in which on December 31, 2025, he was informed "of an active investigation by the Ross County Sheriff's Office detailing thefts of vehicles, trailers, and tools." Detective Lieutenant Wright met with Detective Kevin Pierce with the Ross County Sheriff's Office on January 2, 2025, the day the search warrant was requested. During that meeting,

> - Detective Pierce informed [Detective Lieutenant Wright] of the two possible stolen trailers located at 24859/24885/24737 East Fork Road, which were stolen from Ross and Pickaway County.
> - When verified this afternoon, 01/02/202[5], both trailers were still at the property with an additional trailer now parked with them.
> - Detective Pierce had outlined through a related theft incident detailing an arrest of Charles Clayton and Timothy Dale Pettit, who stated that they had sold one of the trailers to Marty Pickell for $300 and delivered it to Pickell's residence on East Fork Road.
> - With this information, I believe the two stolen utility trailers will be located at Marty Pickell's property located at: 24859 East Fork Road, 24885 East Fork Road, and 24737 East Fork Road, Laurelville, Hocking County, Ohio. The three properties are adjoining.

{¶21} In the search warrant affidavit, Detective Lieutenant Wright included a satellite image of Pickell's three properties and identified the properties in detail:

> the residence of Marty R. Pickell, 24859, 24885, and 24737 East Fork road (adjoining properties), Laurelville, Ohio 43135 being described as: Three (3) adjoining properties[,] . . . parcel number 15-

> 000489.0000, . . . parcel number 15-000076.0100 . . . parcel number 15-000484.0200, all properties owned by Marty R. Pickell; with a tan colored single-wide mobile home having a white full-glass front door and wooden deck on the front; multiple outbuildings, and various vehicles and trailers on the curtilage of the property[.]

{¶22} Detective Lieutenant Wright additionally attested that he "has good cause to believe and does believe" that Pickell is involved in the criminal offenses of complicity, receiving stolen property, theft, drug possession and drug paraphernalia, and requested authority to search for evidence of these crimes:

> evidence of the commission of the criminal offenses of *Complicity*, §2923.03 R.C., all indicia, records and property tending to show the suspected person or persons committed, or solicited or procured another, aided or abetted another, or conspired with another, to commit the offense; *Receiving Stolen Property*, §2913.51 R.C., *Theft*, §2913.02 R.C.; items of personal property recently reported stolen, e.g. black utility trailers bearing VIN 4YMUL08128G033975 and VIN 46UFU1213G1179205; any monies derived from the illegal sale or purchase of stolen property;[] any funds derived from the illegal sale or purchase of stolen property; *Possession of Drugs*, §2925.11 R.C., *Drug Paraphernalia Offenses*, §2925.14 R.C., or any other controlled substance or drug of abuse, as defined in §3719.41 R.C., including residue thereof; any drug abuse instrument as defined in §2925.12 R.C.; any drug paraphernalia as defined in §2925.14 R.C.; any records, ledgers, or documents, or records of the same representing the proceeds from the commission of such criminal offenses, including but not limited to tapes, and other storage devices, and the records contained therein or generated thereby, including the trafficking in drugs. Records, documents, or tax records, instruments, or equipment or paraphernalia used to manufacture, store, process, use, administer or sell drugs of abuse; any monies, including, but not limited to, bank records or statements of checking accounts, savings accounts, certificates of deposit, IRA or other retirement accounts, stocks, bonds, brokerage accounts, checks or copies thereof, precious metals, jewelry, and U.S. currency; any deadly weapon or firearm as defined in §2923.11 R.C. to protect or defend drugs of abuse; photographs, both still, negatives, and slides, video tapes, or film strips, in particular photographs of co-conspirators, other assets, or other controlled substances; safe deposit keys, safes, and lock boxes; any and all electronic devices which are capable of transmitting or receiving wireless voice or data transmissions, including, but not limited to,

> cellular telephones, pagers, and two-way radios; any vehicle located at the premises, owned by or under the control of the occupants of the premises; photographs, video recordings, and fingerprints of any adult subjects found inside the premises, to be taken by officers conducting the search, for the purposes of identification and comparison to any latent fingerprints found at the scene on the possession of drugs evidence; and indicia, documents, and records showing ownership of rights of possession are being kept in or on the residence of Marty R. Pickell[.] (Emphasis added).

{¶23} Detective Lieutenant Wright attested that the information in the affidavit is based on his personal investigation, information provided from other law enforcement officers, review of reports and from confidential informants, and witnesses. Moreover, Detective Lieutenant Wright indicated that "[t]he information contained in this affidavit does not describe the entirety of this investigation, but sets forth only those facts relevant and necessary to determining probable cause for the requested search." (Page 6/10)

C. Analysis

{¶24} Pickell challenges the issuance of the January 2, 2025, search warrant, maintaining that it lacked probable cause to support searching all of his three adjoining properties. Pickell argues that there was probable cause to solely search the field in which the two trailers were located at, and no other property. We disagree, and affirm the trial court's decision denying his motion to suppress.

{¶25} We begin by reiterating that "[i]n conducting any after-the-fact scrutiny of an affidavit submitted in support of a search warrant, trial and appellate courts 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." *George*, 45 Ohio St. 3d 325 (1989),

paragraph two of the syllabus. Moreover, "[s]tatements made in a search warrant affidavit enjoy a presumption of validity. Without evidence to the contrary, this court is bound to find the statements made in the affidavit valid and, thus, the warrants valid." (Internal citations omitted.) *State v. Scullin*, 2019-Ohio-3186, ¶ 86.

{¶26} Detective Lieutenant Wright, who at the time of applying for the search warrant had been in law enforcement for more than six years with the Hocking County Sheriff's Office. He attested that based on his training and experience, that criminals maintain addresses/phone numbers of their criminal associates, that they use electronic devices to aid in their criminal activity, and that they conceal this information along with currency and contraband within their residences and/or businesses.

{¶27} He continued that in this specific case, relating to Pickell, that Pickell's criminal activity came to light after Detective Pierce of the Ross County Sheriff's Office began investigating the theft of trailers, vehicles, and tools. Detective Pierce's investigation led him to the arrest of Clayton and Pettit, who stated they sold one of the stolen trailers to Pickell for $300, and they delivered that trailer to Pickell. Detective Pierce and Detective Lieutenant Wright confirmed this information when they went to Pickell's property and they observed that trailer on Pickell's property. Additionally, they observed two other stolen trailers.

{¶28} This evidence demonstrates that Pickell is connected to the theft crimes that occurred in Ross County. This connection includes, but not limited

to, Pickell communicating with co-conspirators, exchanging currency, and accepting delivery of the stolen trailers. The theft in Ross County did not solely involve trailers, but also tools; tools that can be hidden inside Pickell's residence and outbuildings.

{¶29} Therefore, after examining the affidavit as a whole, we find that there was a nexus connecting the request to search Pickell's communication gadgets and monies to the crime of theft, receiving stolen property and complicity in committing these crimes. Accordingly, requesting to search Pickell's residence, outbuildings, and field is reasonable, since there is a "fair probability" these items would be there.

{¶30} Pickell also challenges the request to search for drugs arguing that there was no evidence supporting any investigation for drug related crimes, thus, there was no probable cause.[1] We agree with Pickell that the search warrant was overbroad to the extent that it authorized the search for drugs. However, we find that the officers relied in good faith on the search warrant to search all three properties looking for evidence supporting the crimes of complicity, theft, and receiving stolen property.

{¶31} In *United States v. Leon*, the United States Supreme Court adopted the objective good faith exception to the exclusionary rule. 468 U.S. 897 (1984).

> The rationale for the good faith exception to suppression is that the exclusionary rule is designed to deter unlawful police behavior, and the deterrence goal is not advanced when the police objectively and in good faith rely upon a judge's probable cause determination. *Id*. Ohio, of course, has adopted the good faith exception within the context of a search warrant issued on less than

[1] We note that no drugs were found during the search.

> probable cause. *State v. George* (1989), 45 Ohio St.3d. 325, 544 N.E.2d 640.

State v. Cole, 2009-Ohio-6131, ¶30 (2d Dist.), citing *Leon*.

{¶32} Therefore,

> [u]nder the good faith exception to the exclusionary rule, the exclusionary rule should not be applied to bar the use of evidence obtained by police officers acting in objectively reasonable reliance on a search warrant issued by a detached and neutral magistrate, but ultimately found to be unsupported by probable cause.

State v. Ojezua, 2020-Ohio-303, ¶ 43 (2d Dist.), citing *Leon*.

{¶33} Normally, the existence of a warrant signifies that officers acted in good faith. *State v. Hoffman*, 2014-Ohio-4795, ¶ 32. However,

> the good faith exception does not apply where (1) the magistrate or judge in issuing a warrant was misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth, (2) the issuing magistrate wholly abandoned his judicial role, (3) the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable, and (4) the warrant was so facially deficient that the executing officers cannot reasonably presume it to be valid.

Ojezua at ¶ 44, citing *Leon* at 923; *Hoffman* at ¶ 32.

{¶34} And the "inquiry is confined to the objectively ascertainable question whether a reasonably well trained officer would have known that the search was illegal despite the magistrate's authorization." *Leon*, 468 U.S. 897, 922 (1984). In the matter at bar, Pickell fails to present any evidence refuting the application of the good faith exception. There is no evidence demonstrating that the judge issuing the warrant was misled by information in the affidavit and that the judge abandoned his judicial role. Further, as we previously held, there was probable cause to issue the search warrant for all three of Pickell's properties. As officers

were investigating a ring of thefts involving trailers, vehicles, and tools, they discovered that Pickell communicated with some of the thieves, purchased a stolen trailer from them, asked them to deliver the trailer to him, and had on his property two other stolen trailers. Finally, there is no evidence demonstrating that the search warrant was facially deficient.

{¶35} Accordingly, we find that the officers acted in good faith relying on the search warrant to search all three of Pickell's properties.

{¶36} Our application of the good faith exception here is consistent with the Second District Court of Appeals decision in *Ojezua*, 2020-Ohio-303 (2d Dist.). In *Ojezua*, officers were investigating a shooting and the search warrant affidavit focused on the circumstances of the shooting. *Id*. at ¶ 48. The search warrant affidavit contained minimal support for the conclusion that drugs would likely be found in the residence, and because of that, the Second District concluded that "the search warrant was overbroad to the extent that it authorized the search of Ojezua's entire residence, including drawers and closed containers, for drugs and currency without probable cause." *Id*. at ¶ 40. The Second District nonetheless, applied the good faith exception and could not "conclude that the officers' reliance on the search warrant at issue merits application of the exclusionary rule." *Id*. at ¶ 49. Therefore, the Second District declined to exclude the seizing of the drugs and currency.

{¶37} Wherefore, we affirm the trial court's decision denying Pickell's motion to suppress.

CONCLUSION

{¶38} We overrule Pickell's assignment of error and affirm the trial court's judgment entry of conviction.

JUDGMENT IS AFFIRMED.

JUDGMENT ENTRY

It is ordered that the JUDGMENT IS AFFIRMED and that appellant shall pay the costs.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Hocking County Common Pleas Court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

Smith, P.J. and Hess, J.: Concur in Judgment and Opinion.

For the Court,

BY: _____
Kristy S. Wilkin, Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 22, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.