[Cite as *State v. Ledford*, 2026-Ohio-4372.]

COURT OF APPEALS OF OHIO

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

STATE OF OHIO, :

Plaintiff-Appellant, :

No. 116044

v. :

MARIO LEDFORD, II, :

Defendant-Appellee. :

JOURNAL ENTRY AND OPINION

JUDGMENT: REVERSED AND REMANDED
RELEASED AND JOURNALIZED: November 5, 2026

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-25-704676-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Owen Knapp, Assistant Prosecuting Attorney, *for appellant*.

Cullen Sweeney, Cuyahoga County Public Defender, and Jennifer J. Pritchard, Assistant Public Defender, *for appellee*.

MICHELLE J. SHEEHAN, A.J.:

{¶ 1} Plaintiff-appellant State of Ohio appeals the trial court's decision granting defendant-appellee Mario Ledford's motion to suppress. The State raises

one assignment of error for our review, arguing that the trial court erred when it granted Ledford's motion. We find merit to the State's arguments, reverse the trial court's judgment, and remand the case.

I. Procedural History and Facts

{¶ 2} In August 2025, Ledford was indicted on four counts: Count 1, having weapons while under disability in violation of R.C. 2923.13(A)(3), a third-degree felony; Count 2, carrying a concealed weapon in violation of R.C. 2923.12(A)(2), a fourth-degree felony; Count 3, improperly handling firearms in a motor vehicle in violation of R.C. 2923.16(B), a fourth-degree felony; and Count 4, aggravated possession of drugs in violation of R.C. 2925.11(A), a fifth-degree felony. All counts carried weapons-forfeiture specifications.

{¶ 3} Ledford pleaded not guilty to all charges and moved to suppress the State's evidence against him. The State presented the following evidence at the suppression hearing.

A. Hearing

{¶ 4} Officer Zachary Kugler of the Fairview Park Police Department testified that in May 2025, he responded to noise complaints at an apartment complex on Lorain Road in Fairview Park. Specifically, the caller complained that someone in a beige station wagon was playing loud music in the parking lot of the apartment complex.

{¶ 5} The State played the officer's body-camera footage from the interaction. The first minute of the video is silent, but Officer Kugler turned on his

body camera while he was still driving to the apartment complex. Thus, by the time he gets out of his police cruiser and starts talking to Ledford, the video is only silent for approximately ten seconds.

{¶ 6} The video shows that Officer Kugler parked his vehicle in the circular driveway in front of the apartment complex. Ledford was on a separate road or driveway to the side of the building. There was a small cement wall with a railing that separated the circular driveway in the front of the building and the side road where Ledford's car was. Officer Kugler explained that Ledford was "on [his] way out of [a] one-way drive" of the complex. Officer Kugler agreed that the vehicle was a silver Nissan Rogue but stated that he thought it "was more of a tan, beige color."

{¶ 7} Officer Kugler said that he did not tell Ledford to stop; rather, he just walked up to Ledford's stopped vehicle. Officer Kugler also said that he did not tell Ledford that he could not leave. Officer Kugler admitted on cross-examination that if Ledford had pulled away when Officer Kugler asked for his identification, Officer Kugler did not know if he would have pursued him.

{¶ 8} As Officer Kugler was walking towards Ledford's vehicle, the passenger got out of the car and began to walk away. Officer Kugler stated that as he walked towards Ledford's vehicle, he asked Ledford if he could talk to him "real quick." Officer Kugler was still walking towards Ledford's vehicle when he told him that someone had called the police and reported that "you were just playing music or something." Ledford responded that he had just "pulled back here," referencing the back parking lot, and admitted that he had his "music up" but said that he "turned

it down." Ledford denied that he and the caller had been "going back and forth with each other." He told Officer Kugler that she asked him to turn it down and he did.

{¶ 9} As Officer Kugler reached the side of Ledford's car, he asked him for his identification. Rather than give Officer Kugler his identification, Ledford stated, "I was going to take him to work," referring to the passenger who was still standing near Officer Kugler but attempting to walk towards the main road. The passenger said that he worked at the Cisco gas station around the corner. Officer Kugler asked Ledford why he was not taking him anymore, and Ledford replied that he had something else he had to do and "I want to hurry up and get back to my side."

{¶ 10} Officer Kugler again asked Ledford if he could see his driver's license or identification. Ledford started looking for it. At that time, the passenger asked Officer Kugler about the noise complaint. Officer Kugler replied, "Yes, it started as a noise complaint." Ledford then asked Officer Kugler why he needed his identification. Officer Kugler replied, "Because I am speaking with you regarding a call." Ledford tried to say something else, but Officer Kugler interrupted him and said, "It's not a big deal. I just need to see your ID." Officer Kugler stated that he was looking at Ledford's hands while Ledford was looking for his identification. Soon after he asked him for his identification the second time, Officer Kugler asked him, "What do you got in your hand there?" Officer Kugler observed Ledford making "furtive movements" just before he noticed something in Ledford's hands. Before Ledford could answer, Officer Kugler called for backup.

{¶ 11} Officer Kugler testified that he "noticed a bag of what [he] believed to be suspected narcotics that [Ledford] was trying to hide under his leg while speaking" to Officer Kugler. Officer Kugler explained that he believed the bag contained narcotics because "it was a clear baggie that was twisted, tied at the top, and various pills inside of different colors which, with my training and experience and seizures of the past, those have resembled illegal narcotics." Officer Kugler stated that he thought Ledford was trying to hide narcotics from him.

{¶ 12} Officer Kugler asked Ledford to step out of his vehicle. Ledford did not want to, but Officer Kugler told him that he was not playing games. Ledford responded that he was "coming," and got out of the car.

{¶ 13} Officer Kugler asked Ledford to face his car and if he had any firearms in the car and then patted him down. Ledford admitted that he did and told Officer Kugler that it was his mother's firearm and his mother's car. Officer Kugler placed handcuffs on Ledford. Ledford complained that he did not do anything, and Officer Kugler stated, "I just saw you drop the bag." Officer Kugler then asked Ledford where he put the bag and if he threw "them down there or did you stuff them?" Ledford replied that he did not stuff anything. After they discussed a few other things, Officer Kugler placed Ledford in the back of his police cruiser. At some point between the time when Officer Kugler saw the bag of pills and when he walked Ledford to his police cruiser, the passenger appears to have left the scene.

{¶ 14} Although Officer Kugler stated in his report that Ledford had been sweating and appeared to be nervous, he agreed on cross-examination that it did not appear that Ledford was sweating in the body-camera footage.

{¶ 15} After Officer Kugler gave Ledford his *Miranda* rights, Ledford told Officer Kugler that he was not allowed to possess a firearm.

B. Trial Court's Judgment

{¶ 16} The trial court concluded that the officer's encounter with Ledford was not consensual. The trial court stated that once the officer determined that the noise complaint had been abated, Ledford should have been free to leave the apartment complex. The court reasoned, "Upon the repeated questioning by the responding officer, after resolution of the noise complaint, a reasonable person in Defendant's position would not have believed he was free to leave, and the encounter was no longer consensual."

{¶ 17} The trial court then analyzed the encounter between the officer and Ledford as an investigative stop pursuant to *Terry v. Ohio*, 392 U.S. 1 (1968). It concluded that the officer did not have a reasonable, articulable suspicion to detain Ledford once the officer determined that the noise complaint had been resolved. In doing so, the court considered the following: (1) no one determined who made the anonymous call, (2) the caller's description of the vehicle did not match Ledford's car, (3) it was daytime, (4) visibility was clear and the weather appeared to be sunny and warm, (5) Ledford's windows were not tinted, and "in fact, were down when the officer first approached the car," and (6) the officer did not testify that the area "was

known to be a high-risk area for criminal activity." The court further explained that it did not find "Ledford's alleged nervousness" to be "significantly indicative of the desire to conceal criminal activity."

{¶ 18} Finally, the trial court found that although the State "indicated that the officer saw what appeared to be a bag of pills" in Ledford's lap, "the vantage point of the body cam does not support that assertion. Defendant's lap, nor the contents therein, was not visible from the body cam's angle that was provided to the Court." The court also explained that any statements regarding the firearm were elicited only after Ledford had been unlawfully detained.

{¶ 19} It is from the trial court's judgment granting Ledford's motion to suppress that the State now appeals.

II. Law and Analysis

{¶ 20} In its sole assignment of error, the State argues that the trial court erred when it granted Ledford's suppression motion because the interaction between the officer and Ledford began as a consensual encounter. The State further maintains that "within a minute of being next to [Ledford's] vehicle, the officer observed in plain view what he believed to be narcotics in Ledford's hands." We agree.

A. Standard of Review

{¶ 21} 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." *Id.*, citing *State v. Mills*, 62 Ohio St.3d 357, 366 (1992). "Consequently, an appellate court must accept the trial court's findings of fact if they are supported by competent, credible evidence." *Id.* However, an appellate court must independently determine as a matter of law, without deference to the trial court's conclusion, whether the facts meet the applicable standard. *Id.*, citing *State v. Fanning*, 1 Ohio St.3d 19 (1982), and *State v. Hill*, 2005-Ohio-3155, ¶ 12.

B. Fourth Amendment

{¶ 22} The Fourth Amendment to the United States Constitution protects "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures," and provides that "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." Ohio Const., art. I, § 14, is nearly identical to its federal counterpart. *State v. Kinney*, 83 Ohio St.3d 85, 87 (1998).

{¶ 23} Under *Terry*, 392 U.S. 1, police officers may briefly stop and/or temporarily detain individuals in order to investigate possible criminal activity if the officers have a reasonable, articulable suspicion that criminal activity may be afoot. *State v. Martin*, 2004-Ohio-2738, ¶ 10 (2d Dist.), citing *Terry*. It is a well-settled principle, however, that law enforcement officials may approach people or a parked vehicle and question the occupants without a reasonable and articulable suspicion of criminal activity. *State v. Richmond*, 2017-Ohio-2860, ¶ 10 (8th Dist.); *State v.*

Franklin, 2014-Ohio-1422, ¶ 14 (8th Dist.). In such an instance, the approach would be for the purpose of a consensual encounter, which generally does not trigger Fourth Amendment scrutiny. *Florida v. Bostick*, 501 U.S. 429, 434 (1991).

{¶ 24} A consensual encounter is not a seizure, so no Fourth Amendment rights are invoked. *Bostick* at 434. The individual must be free to terminate the consensual encounter or decline the officer's request. *Id.* Moreover, even asking a person for his or her identification does not change a consensual encounter into a *Terry* stop. *State v. White*, 2009-Ohio-5557, ¶ 9 (8th Dist.), citing *Bostick*.

{¶ 25} In *White*, the officer approached the defendant who was reclined in the driver's seat of his vehicle in a public park. The officer asked White about his well-being and learned why he had slept in the park. We concluded that the officer's encounter with White "was a friendly exchange, and White was free to refuse to answer." *Id.* at ¶ 10. We further determined that the officer could ask for White's identification without converting the consensual encounter into an investigative one pursuant to *Bostick*. *Id.* We explained that if a police officer asks for identification in a consensual encounter and the person refuses, that person bears the burden to end the consensual encounter. *Id.* at ¶ 11.

{¶ 26} Consensual encounters remain consensual as long as the police officer has not restrained the person's liberty, by physical force or show of authority, such that a reasonable person would not feel free to walk away. *United States v. Mendenhall*, 446 U.S. 544, 554 (1980). In *Mendenhall*, the United States Supreme Court listed several factors that indicate that an encounter is no longer consensual

and, correspondingly, that Fourth Amendment protections are implicated. These factors include the following: the threatening presence of several officers, the officers' wearing of a uniform, the display of a weapon, the physical touching of the person, the use of language or tone of voice indicating that compliance with the officers' requests are compelled, and the contact occurring in a nonpublic place. *Id.* at 554.

{¶ 27} In this case, Officer Kugler pulled into a circular driveway of an apartment complex and began walking toward a vehicle that he saw leaving the parking lot of the apartment complex. Although Officer Kugler had gotten out of a marked police car, he had not activated his lights or sirens. He was not blocking Ledford's vehicle with his vehicle. Indeed, he was parked a significant distance away from it. Nor did he block Ledford's vehicle with his body, as Ledford suggests. Officer Kugler also did not approach Ledford's vehicle with his gun drawn, and he did not demand anything from Ledford or the passenger. He simply approached Ledford's vehicle and asked Ledford if he could talk to him "real quick." We conclude that this was a consensual encounter.

{¶ 28} We find the initial encounter in this case to be similar to the initial encounter in *State v. Edwards*, 2017-Ohio-8867, ¶ 25 (8th Dist.). In *Edwards*, the police responded to an anonymous call "that there were two people in a black older model Chevrolet Blazer in the parking lot selling drugs out of the vehicle." *Id.* at ¶ 4. When the police arrived, they pulled behind a vehicle that matched the description but did not activate their lights and sirens. The officer testified that he approached

the vehicle without his gun drawn and did not shout any commands to the occupants of the vehicle.

{¶ 29} The trial court in *Edwards* had granted the defendant's motion to suppress, concluding that the "the anonymous tipster's information was not specific as to the alleged criminal activity." *Id.* at ¶ 14. Regardless of the limited information provided by the anonymous tip, we explained that the trial court's "inquiry" should not "have ended there." *Id.* at ¶ 20. We reversed the trial court's decision, concluding that "the record demonstrates that [the officers'] initial encounter with Edwards and the occupants in the vehicle was consensual." *Id.* at ¶ 21.

{¶ 30} In determining that the initial encounter in *Edwards* was consensual, we "look[ed] to the circumstances surrounding the officer's initial contact with the defendants." *Id.* These circumstances included facts that the officers did not activate their lights and sirens, did not draw their guns, and did not shout commands at the occupants of the vehicle. We explained that "a police officer's mere approach of a person in a parked car" does not implicate the Fourth Amendment "when the police did not pull the vehicle over or order the person from his or her vehicle or activate overhead lights when arriving at the scene of the parked car." *Id.* at ¶ 22, citing *State v. Brock*, 1998 Ohio App. LEXIS 2353, *8 (12th Dist. June 1, 1998). As we explained in the companion case involving the same facts and codefendants, the fact that the officers were responding to an anonymous tip when they parked behind the vehicle and walked up to it was irrelevant to determining

whether the initial encounter was consensual. *State v. Alim*, 2017-Ohio-8868, ¶ 25 (8th Dist.).

{¶ 31} In this case, within approximately 25 seconds after approaching Ledford's vehicle, Officer Kugler asked Ledford for his identification. Just over 30 seconds after asking for Ledford's identification, approximately two minutes into the body-camera footage and while Ledford was still looking for his identification, Officer Kugler saw a bag of pills in Ledford's hands, which Officer Kugler suspected to be narcotics. He immediately asked Ledford what he had in his hands. Officer Kugler stated that it appeared as if Ledford was trying to hide the bag of pills from him. Once this occurred, the encounter quickly escalated into reasonable suspicion for an investigative detention.

{¶ 32} We note that although Ledford argued in his motion to suppress that the stop was illegal, he admitted during closing arguments that he "engaged with the officer voluntarily." We disagree with Ledford that his voluntary engagement "was after the illegal stop had already occurred."

{¶ 33} The trial court concluded that once Officer Kugler learned that the "noise complaint had been resolved, the Nissan Rogue should have been free to continue exiting the complex." We disagree. Again, it was irrelevant that Officer Kugler initially approached Ledford's vehicle because of an anonymous tip. *Alim* at ¶ 25.

{¶ 34} The trial court further concluded that "[u]pon repeated questioning by the responding officer, a reasonable person in Defendant's position would not

have believed he was free to leave, and the encounter was no longer consensual." But when Officer Kugler saw what he suspected to be narcotics, he had only been talking to Ledford and the passenger for approximately two minutes. In those two minutes, Officer Kugler was not bombarding Ledford with repeated questions. Officer Kugler's demeanor was affable. He asked Ledford and the passenger about the noise complaint and why Ledford had decided not to drive the passenger to work. There was nothing in this encounter that transformed a consensual one into a detention. We therefore conclude that the trial court erred when it found that the encounter was not consensual.

{¶ 35} To the extent the trial court made a factual finding that after Ledford told the officer that he turned down his music, Ledford indicated a "desire to leave the encounter," our review of the record and body-cam footage does not support this finding. Rather, after Ledford and the passenger told the officer that they had turned down the music, the officer asked them if they lived there. The passenger said he lived there. The officer responded, "Alright, cool." The officer then immediately asked Ledford for his driver's license. At that point, Ledford started explaining to the officer that he had been planning to take the passenger to work "around the corner." The officer asked Ledford why he was no longer taking the passenger to work, and Ledford replied that he had other things to do. That is when the officer asked Ledford again, "Can I see your driver's license real quick or ID?" The officer then saw what he suspected to be narcotics in Ledford's hands.

{¶ 36} Additionally, we disagree with the trial court's finding that the State's argument that "the officer saw what appeared to be a bag of pills in the lap of Defendant" is not supported by the body camera. Due to the nature and location of body cameras, they do not always capture everything that an officer observes and testifies to. Because of this, body-camera footage may not necessarily reflect an officer's observations. But that does not mean that what the officer saw and testified to did not occur. And in this case, the footage does show that very quickly after Officer Kugler asked Ledford for his identification a second time, Officer Kugler asked Ledford, "What do you got in your hand there?" Therefore, the body-camera footage does support the State's argument that the officer saw a bag of pills in Ledford's hands.

{¶ 37} After review, we conclude that the trial court erred when it granted Ledford's motion to suppress. We therefore sustain the State's sole assignment of error.

{¶ 38} Judgment reversed, and case remanded.

It is ordered that appellant recover of appellee costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the 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.

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MICHELLE J. SHEEHAN, ADMINISTRATIVE JUDGE

DEENA R. CALABRESE, J., CONCURS;
ANITA LASTER MAYS, J., DISSENTS (WITH SEPARATE OPINION)

ANITA LASTER MAYS, J., DISSENTING:

{¶ 39} I respectfully dissent from the majority's decision. I would find that the trial court did not err when it found the encounter nonconsensual and that the trial court's determination is supported by competent, credible evidence.

{¶ 40} When reviewing a motion to suppress, there are mixed questions of law and facts that are presented. "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. Burnside*, 2003-Ohio-5372, citing *State v. Mills*, 62 Ohio St.3d 357, 366 (1992). On appeal, we "must accept the trial court's findings of fact if they are supported by competent, credible evidence." *Id.*, citing *State v. Fanning*, 1 Ohio St.3d 19 (1982). Accepting these facts as true, we must then "independently determine as a matter of law, without deference to the trial court's conclusion, whether the facts satisfy the applicable legal standard." *Id.*, citing *State v. McNamara*, 124 Ohio App.3d 706 (4th Dist. 1997).

{¶ 41} My review of the record reveals that the officer arrived in the area to investigate a noise complaint. The officer observed a vehicle in the driveway area of the parking lot that did not match the offender's vehicle and was not emitting loud music. Nevertheless, the officer approached Ledford's vehicle. The officer was wearing a bodycam without his audio on for approximately 56 seconds. Tr. 36-37. The officer acknowledges that it is possible that he was talking to Ledford before his audio turned on. Tr. 37-38. He states that Ledford was sweating but acknowledged, from his view watching the video, there was no sweat. Tr. 38. He then requested Ledford's identification but then stated he was making furtive movements. Tr. 39. On redirect, the officer acknowledged Ledford was in his vehicle and asked if he could speak with him.

{¶ 42} The court then had the following exchange with the officer:

> THE COURT: So when you see the video and you see him pull up, you do see his eyes move to you or the area of you walking. So there was some discussion that you had that caused him to stay there, is that fair to say?
>
> THE WITNESS: He parked the car before I could get out. As I approached him, he stayed parked there.
>
> THE COURT: And the second individual, the passenger, do you ever engage with that person?
>
> THE WITNESS: After Mr. Ledford here is detained, we do speak with the passenger a little bit.

Tr. 42-43.

{¶ 43} After the suppression hearing, the trial court stated that once the officer determined that the noise complaint had been abated, Ledford should have been free to leave the apartment complex. The court reasoned, "Upon the repeated questioning by the responding officer, after resolution of the noise complaint, a reasonable person in Defendant's position would not have believed he was free to leave, and the encounter was no longer consensual." I would find the above facts support the trial court's determination that the officer's encounter with Ledford was not consensual and that the facts satisfy the applicable legal standards.

{¶ 44} I would also find that the trial court's analysis of the encounter between the officer and Ledford became an investigative stop pursuant to *Terry v. Ohio*, 392 U.S. 1 (1968). It concluded that the officer did not have a reasonable, articulable suspicion to detain Ledford once the officer determined that the noise complaint had been resolved. In doing so, the court considered the following: (1) no one determined who made the anonymous call, (2) the caller's description of the vehicle did not match Ledford's car, (3) it was daytime, (4) visibility was clear and weather appeared to be sunny and warm, (5) Ledford's windows were not tinted, and "in fact, were down when the officer first approached the car," and (6) the officer did not testify that the area "was known to be a high-risk area for criminal activity." The court further explained that it did not find "Ledford's alleged nervousness" to be "significantly indicative of the desire to conceal criminal activity." After reviewing the video, I would conclude that the trial court's observations were supported by competent, credible evidence and was applied properly to the law.

{¶ 45} Furthermore, the point is dispositive because the majority itself makes the observation that is pivotal: everything after it — the exit order, the pat-down, the handcuffs, the questioning about where the bag went, the firearm statements — depends on it. A consensual encounter alone supplies no basis for a pat-down or an arrest; probable cause is a stricter and analytically distinct standard from reasonable suspicion. *State v. Hein,* 2023-Ohio-1592, ¶ 18 (2d Dist.).

{¶ 46} In the majority's opinion at paragraph 18, it recites the trial court's findings that although the State "indicated that the officer saw what appeared to be a bag of pills" in Ledford's lap, "the vantage point of the body cam does not support that assertion. Defendant's lap, nor the contents therein, was not visible from the body cam's angle that was provided to the Court." The majority recites the rule that findings of fact supported by competent, credible evidence bind this court and then reverses on a fact the trial court expressly declined to find — that the officer observed a bag of suspected narcotics — without holding that finding unsupported, without identifying evidence that displaces it, and without mentioning it.

{¶ 47} The rule of the law the majority recites is a limit on what this court may do with facts, not a courtesy: a reviewing court is bound to accept the trial court's findings of fact if supported by competent, credible evidence, and accepting those facts as true, may independently determine only whether the decision meets the applicable legal standard. *State v. Crain*, 2023-Ohio-4338, ¶ 11 (5th Dist.); *State v. Palmer*, 2025-Ohio-4612, ¶ 7 (5th Dist.).

{¶ 48} Where competent, credible evidence supports the trial court's finding of a particular fact, the reviewing court must accept that determination as true and may not overturn it on a competing view of the evidence. *State v. Hosler*, 2024-Ohio-5372, ¶ 10 (11th Dist.). Appellate review of a suppression ruling proceeds on the findings the trial court actually made; without them the reviewing court cannot determine the extent to which the facts in the record were considered below. *State v. Opheim*, 2025-Ohio-1211, ¶ 7 (9th Dist.).

{¶ 49} Here the trial court made a finding addressed to the one observation on which the State's case turns, and the majority's analysis states the opposite as though it had been found below. The majority nowhere holds the finding unsupported, nowhere identifies the competent, credible evidence displacing it, and nowhere acknowledges it exists.

{¶ 50} I find that the omission is deliberate rather than inadvertent as to a different finding — that Ledford indicated a "desire to leave the encounter" — the majority does perform the step, stating that "our review of the record and body-cam footage does not support this finding." It performs no such step for the plain-view finding.

{¶ 51} On this record, I would accept the findings of fact and determination of the trial court, find that the record was supported by competent, credible evidence, and affirm the decision of the trial court.