# CAPTION: IN RE: M.D.

 **03-17-23**

APPEAL NOS.: C-220052

C-220053

C-220054

C-220055

C-220056

TRIAL NOS.: 20-999-z

20-1000-z

20-1001-z

20-1002-z

20-1007-z

KEY WORDS: FIFTH AMENDMENT – *MIRANDA* RIGHTS – CONSTITUTIONAL LAW/CRIMINAL COUNSEL – PREJUDICE – PLAIN ERROR – AGGRAVATED ROBBERY – R.C. 2911.01 – TAMPERING WITH EVIDENCE – R.C. 2921.12(A) – OBSCTRUCTING OFFICIAL BUSINESS – R.C. 2921.31 –EVIDENCE – SUFFICIENCY — MANIFEST WEIGHT

SUMMARY:

 The juvenile failed to establish an ineffective-assistance-of-counsel claim for failing to raise arguments in a motion to suppress because, although trial counsel’s assistance was deficient for failing to argue that the juvenile requested an attorney, the juvenile failed to show a reasonable probability that the outcome of the proceedings would have been different if trial counsel had not been deficient.

 The juvenile failed to demonstrate that the juvenile court committed plain error because, although the juvenile court contravened Juv.R. 22(D)(3)’s requirement that it hold a hearing on the juvenile’s motion to suppress, the juvenile failed to show that the error affected the outcome of the trial.

The juvenile’s delinquency adjudications for three charges of aggravated robbery in violation of R.C. 2911.01(a)(1) were supported by sufficient evidence and the manifest weight of the evidence where victim and officer testimony and the juvenile’s statements connected the juvenile to all three robberies.

Juvenile’s delinquency adjudication for tampering with evidence in violation of R.C. 2921.12(A)(1) was supported by sufficient evidence and the manifest weight of the evidence where the juvenile court found the officer’s testimony credible, and the officer’s testimony established that the juvenile was carrying a gun, knew an investigation was pending, and discarded the gun.

The juvenile’s delinquency adjudication for obstructing official business in violation of R.C. 2921.31(A) was supported by sufficient evidence and the manifest weight of the evidence where the officer’s testimony, which was deemed credible by the juvenile court, established that the officers had a reasonable articulable suspicion of criminal activity to justify a *Terry* stop of the juvenile, and the juvenile ran from officers after the officers identified themselves as police and instructed the juvenile to stop.

JUDGMENT: AFFIRMED

JUDGES: OPINION by BOCK, J.; ZAYAS, P.J., and WINKLER, J., CONCUR.