# CAPTION: STATE V. FRITSCH

**08-02-23**

APPEAL NO: C-220570

TRIAL NO.: C-22TRC-23421-A

KEY WORDS: OPERATING A VEHICLE WHILE INTOXICATED – EVIDENCE – RELEVANCE – SUFFICIENCY – MANIFEST WEIGHT

SUMMARY:

The trial court did not abuse its discretion in admitting testimony and a laboratory report identifying residue found in defendant’s car as methamphetamine under Evid.R. 402 and 403 when the defendant was suspected of operating a vehicle while intoxicated by a combination of alcohol and a drug of abuse and the evidence was not substantially outweighed by the danger of unfair prejudice. Additionally, the trial court did not commit plain error in admitting the evidence despite Evid.R. 404(B) limitations on the use of prior-bad-acts evidence because the evidence constituted the immediate background of the alleged act.

Defendant’s conviction for operating a vehicle under the influence was supported by sufficient evidence where credible testimony established the defendant’s erratic driving, outlandish behavior, and poor performance on field-sobriety tests, together with defendant’s admission of drinking and a trained and experienced officer’s opinion that defendant was under the influence.

Defendant’s conviction for operating a vehicle under the influence was not against the manifest weight of the evidence where the state presented evidence of defendant’s erratic driving, outlandish behavior, and poor performance on field-sobriety tests, together with defendant’s admission of drinking and a trained and experienced officer’s opinion that defendant was under the influence.

JUDGMENT: AFFIRMED

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