# CAPTION: IN RE: J.F.

**05-22-24**

APPEAL NOS.: C-230464

C-230465

C-230466

TRIAL NOS.: 22-1831Z

T-22-693Z

T-22-692Z

KEY WORDS: CONSTITUTIONAL LAW/CRIMINAL — SEARCH AND SEIZURE — AUTOMOBILE — MOTION TO SUPPRESS — FOURTH AMENDMENT — TRAFFIC STOP — PROTECTIVE CONDUCT — R.C. 2923.16(B) — CONSTRUCTIVE POSSESSION — EVIDENCE

SUMMARY:

The trial court did not err in denying the juvenile’s motion to suppress a gun found in the car he was driving where the officers’ protective conduct of asking the juvenile to roll down his tinted windows during a lawful traffic stop to look in the back seat and determine whether any other occupants were present was not unconstitutionally intrusive conduct because, just like in *Pennsylvania v. Mimms*, 434 U.S. 106, 108-109, 98 S.Ct. 330, 54 L.Ed.2d 331 (1977), the conduct was a minimally invasive additional intrusion to the lawful traffic stop that was reasonable and no more intrusive than necessary under the circumstances to protect the officers’ safety.

The juvenile’s adjudication for improper handling of a firearm in a motor vehicle in violation of R.C. 2923.16(B) was supported by sufficient evidence and not against the manifest weight of the evidence where the evidence showed that the juvenile was exercising dominion and control over the vehicle when the firearm was found, was the only occupant in the vehicle, admitted that he had previously touched the firearm, the firearm was plainly visible, and the location of the firearm in the vehicle permits the inference that the juvenile could have placed the firearm in the exact position it was in by reaching behind him from the driver’s seat and placing it there.

JUDGMENT: AFFIRMED IN C-230464; APPEALS DISMISSED IN C-230465 AND C-230466

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