

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-240246
Plaintiff-Appellee,	:	TRIAL NO. 23/TRD/27318/A/B
vs.	:	
SHELBY SCHOLL,	:	<i>JUDGMENT ENTRY</i>
Defendant-Appellant.	:	

This court sua sponte removes this cause from the regular calendar and places it on the court’s accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); Loc.R. 11.1.

Shelby Scholl appeals her convictions for failure to stop after an accident and failure to yield to a pedestrian. In her sole assignment of error, Scholl contends that the trial court erred in overruling her motion to suppress her statements because she was subjected to a custodial interrogation and was not advised of her *Miranda* rights.

Miranda warnings are required “when an individual is taken into custody or otherwise deprived of his [or her] freedom in any significant way and is subjected to questioning.” *Miranda v. Arizona*, 384 U.S. 436, 478 (1966). “In a typical investigatory detention, such as a routine traffic stop, individuals are not ‘in custody’ for purposes of *Miranda*.” *Berkemer v. McCarty*, 468 U.S. 420, 440 (1984). However, if the individual is, during the course of the detention, “subjected to treatment that renders him ‘in custody’ for practical purposes, he will be entitled to the full panoply of protections prescribed by *Miranda*.” *Id.* at 440.

In this case, several officers responded to a call about a traffic accident involving a pedestrian. When questioned by two of the officers, Scholl repeatedly denied that she had hit a pedestrian. However, several witnesses identified Scholl as the driver and reported that Scholl had fled the scene after striking the pedestrian. Upon completion of the investigation, the officers decided to charge Scholl for leaving the scene of an accident, and Scholl's driver's license was given to a third officer to complete the complaint.

Scholl was informed that she was being charged, but was not provided *Miranda* warnings. Instead, the two officers continued to question her, and one officer testified that her questions were designed to elicit incriminating responses. Both officers told Scholl that if she continued to deny hitting the pedestrian, they would arrest her and take her to jail while they retrieved the camera footage. If she admitted to striking the pedestrian, Scholl would be cited and released. At that point, Scholl admitted to striking the pedestrian.

Scholl contends that she was in custody when the officers elicited a full confession without providing *Miranda* warnings. We agree. The investigation had ended, and the officers had informed Scholl that she was being charged with fleeing the scene of an accident. A reasonable person, having just been expressly informed she was being charged with fleeing the scene of an accident, would have understood herself to be in custody. At that point, Scholl was functionally, if not formally, in custody and entitled to *Miranda* warnings. *See Berkemer* 468 U.S. at 440.

Therefore, we hold that Scholl's statements admitting she struck the pedestrian were obtained in violation of *Miranda* and should have been suppressed. Accordingly, we sustain the assignment of error, reverse the judgments of the trial court, and remand the matter for further proceedings consistent with the law and this opinion.

Further, the court holds that there were reasonable grounds for this appeal, allows no penalty, and orders that costs are taxed under App.R. 24.

The court further orders that 1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and 2) the mandate be sent to the trial court for execution under App.R. 27.

KINSLEY, P.J., ZAYAS and CROUSE, JJ.

To the clerk:

Enter upon the journal of the court on 3/19/2025 per order of the court.

By: _____
Administrative Judge