

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

STATE OF OHIO,	:	APPEAL NOS.	C-250562
			C-250563
Plaintiff-Appellee,	:		C-250564
		TRIAL NOS.	25/CRB/6862
vs.	:		25/CRB/6863
			25/TRD/11126
TALISHA HUBBARD,	:		
Defendant-Appellant.	:	<i>JUDGMENT ENTRY</i>	

This cause was heard upon the appeals, the records, and the briefs.

For the reasons set forth in the Opinion filed this date, the judgments of the trial court are affirmed in C-250562 and C-250563, and reversed and appellant is discharged in C-240564.

Further, the court holds that there were reasonable grounds for these appeals, allows no penalty, and orders that costs be taxed 50% to appellant and 50% to appellee.

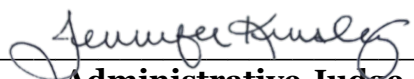
The court further orders that (1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

To the clerk:

Enter upon the journal of the court on 8/5/2026 per order of the court.

Pursuant to App.R. 30, the clerk is directed to serve upon all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By: _____


Administrative Judge

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			25/TRD/11126
TALISHA HUBBARD,	:		
Defendant-Appellant.	:		<i>OPINION</i>

Criminal Appeals From: Hamilton County Municipal Court

Judgments Appealed From Are: Affirmed in C-250562 and C-250563; Reversed and Appellant Discharged in C-250564

Date of Judgment Entry on Appeal: August 5, 2026

Emily Smart Woerner, City Solicitor, *Susan M. Zurface*, Chief Prosecuting Attorney, and *Amber Daniel Jeffrey*, Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Angela Chang, Hamilton County Public Defender, and *Christine Y. Jones*, Assistant Public Defender, for Defendant-Appellant.

BOCK, Judge.

{¶1} A tense exchange during a traffic stop for excessive window tint ended with defendant-appellant Talisha Hubbard’s arrest and her being charged with a window-tint violation, failing to comply with a lawful order of a police officer, and resisting arrest. Hubbard was convicted of all three offenses. In these consolidated appeals, Hubbard challenges her convictions and the denial of her motion to suppress filed in all three cases.

{¶2} We hold that the State presented insufficient evidence to convict Hubbard of a window-tint violation under R.C. 413.241(C) because the State produced no proof of the degree of light transmitted through her window. Therefore, we reverse her conviction in the appeal numbered C-250564 and discharge Hubbard from further prosecution.

{¶3} We affirm the trial court’s judgments in all other respects.

I. Factual and Procedural History

{¶4} The State charged Hubbard with having unlawfully-tinted windows in violation of R.C. 4513.241(C), failing to comply with a police officer’s order in violation of R.C. 2921.331(A), and resisting arrest in violation of R.C. 2921.33(A).

A. Motion to suppress

{¶5} Hubbard moved to suppress evidence of her response during the traffic stop because, in her view, the officer unnecessarily prolonged the traffic stop in violation of the Fourth Amendment.

{¶6} At the suppression hearing, Officer Joyce testified that he stopped Hubbard’s car for “extremely heavy tint,” but Hubbard insisted that the tint was lawful. Joyce described Hubbard as somewhat tense at first, which escalated: Hubbard “started to yell at me when I was snatching [her identification] from her.” While

Hubbard told Joyce there were no weapons in her car, Joyce remained concerned.

{¶7} Hubbard told Joyce to leave her alone and just “write [her] a ticket.” But before returning to his vehicle, Joyce asked Hubbard to verify her address. Hubbard, now appearing “agitated and angry,” refused to answer. So, Joyce instructed Hubbard to step out of her car, gave her “numerous opportunities” to comply, and warned her that she could be arrested for failing to comply. Backup arrived. A struggle ensued. Hubbard eventually stepped out of her car under the threat of being tased. At the hearing, the State played Joyce’s bodycam footage that captured the interaction.

{¶8} The trial court denied Hubbard’s motion to suppress.

B. Hubbard’s trial

{¶9} At Hubbard’s trial, the State elicited testimony from Joyce about the traffic stop and played Joyce’s bodycam footage for the jury. Joyce testified that Hubbard “started getting heated” in response to him taking her driver’s license. Joyce explained that Hubbard’s frustrations grew when he asked her to confirm her address. Joyce asks drivers to verify the information on their driver’s licenses for purposes of summons, to confirm the driver’s identity, and for service-related issues. He did not suspect that the address on Hubbard’s license was incorrect.

{¶10} Joyce asked Hubbard “[n]umerous” times for her address, but Hubbard “stopped speaking.” In Joyce’s view, when a person “stops speaking and gets on the phone,” it is “not exactly a good thing.” And over an objection, Joyce testified that a search of Hubbard’s license plate revealed “a couple of flags,” including “a felony one for weapons, and one for violence.” So, Joyce ordered Hubbard to step out of her car.

{¶11} Hubbard refused. Joyce repeated his order “a lot” of times and requested backup before he “issued the final warning.” After backup arrived, Joyce reached into the car to open Hubbard’s door. But Hubbard grabbed his “hand and

pulled it away from the interior locking area.” When Joyce finally opened the door, Hubbard used her knee to prevent her removal. A struggle ensued. Joyce wanted to avoid injuring Hubbard, so he and another officer threatened to tase Hubbard. Hubbard yielded to those threats and exited from her car. Officers placed her in handcuffs and sat her in the back of a patrol car.

{¶12} Joyce testified that he had no specific training for tinted windows, “[b]ut it’s pretty easy to see.” Joyce’s patrol car is equipped with a window-tint meter, which Joyce described as “fairly rudimentary and simple.” So, with Hubbard detained, Joyce retrieved his window-tint meter and calibrated it with a “small windshield of tint.” Joyce used his window-tint meter on Hubbard’s driver-side window, which “measured at 4 percent.”

{¶13} The jury found Hubbard guilty of resisting arrest and failing to comply, and the trial court found her guilty of a window-tint violation. At Hubbard’s sentencing hearing, the trial court imposed 90 days of jailtime for “each of these matters to be served concurrently to one another” and a \$200 fine. But the trial court journalized a one-day sentence, with credit for one day of time served, for the window-tint violation.

II. Analysis

{¶14} In three assignments of error, Hubbard challenges the trial court’s denial of her motion to suppress, the sufficiency of the evidence, and her sentence for the window-tint violation.

A. Verifying a driver’s address during a traffic stop does not prolong the traffic stop in a meaningful way

{¶15} On appeal, the trial court’s decision to grant or deny a motion to suppress presents a mixed question of law and fact. *See State v. Fleckinger*, 2024-Ohio-5659, ¶ 8 (1st Dist.). We will “accept the trial court’s

findings of fact as true if competent, credible evidence supports them.” *Id.* But we review issues of law, including the application of those facts to the relevant legal standard, de novo. *Id.*

{¶16} The Fourth Amendment to the United States Constitution guarantees freedom from unreasonable searches and seizures. Temporarily detaining a driver during a traffic stop “constitutes a ‘seizure’ of ‘persons’ . . . [and] is thus subject to the constitutional imperative that it not be ‘unreasonable’ under the circumstances.” *Whren v. United States*, 517 U.S. 806, 809-810 (1996). A traffic stop “must be temporary and last no longer than is necessary to effectuate the purpose of the stop.” *Florida v. Royer*, 460 U.S. 491, 500 (1983). During a traffic stop, “investigative methods employed should be the least intrusive means reasonably available to verify or dispel the officer’s suspicion in a short period of time.” *Id.*

{¶17} An officer’s conduct that “exceed[s] the time needed to handle the matter for which the stop was made violates the Constitution’s shield against unreasonable seizures.” *Rodriguez v. United States*, 575 U.S. 348, 350 (2015). A Fourth Amendment violation occurs the moment the traffic stop “‘is prolonged beyond the time reasonably required to complete th[e] mission’ of issuing a ticket for the violation.” *Id.*, quoting *Illinois v. Caballes*, 543 U.S. 405, 407 (2005). Yet, “an officer’s mission includes ‘ordinary inquiries incident to [the traffic stop].’” *Id.*, quoting *Caballes* at 408. These “ordinary inquiries” include “checking the driver’s license, determining whether there are outstanding warrants against the driver, and inspecting the automobile’s registration and proof of insurance.” *Id.*, citing *Delaware v. Prouse*, 440 U.S. 648, 658-660 (1979).

{¶18} Plus, “the Fourth Amendment tolerate[s] certain unrelated investigations that d[o] not lengthen the roadside detention.” *Id.* at 354. An officer’s

questions that are “unrelated to the justification for the traffic stop . . . do not convert the encounter into something other than a lawful seizure, so long as [unrelated] inquiries do not measurably extend the duration of the stop.” *Id.*, quoting *Arizona v. Johnson*, 555 U.S. 323, 333 (2009).

{¶19} Joyce asked Hubbard to confirm that the address on her license was accurate. We hold that Joyce’s attempt to verify Hubbard’s address during the traffic stop did not violate the Fourth Amendment. Verifying a driver’s address does not meaningfully prolong a traffic stop and is an ordinary inquiry incident to the stop, which is permissible under *Rodriguez*.

{¶20} In support of her argument that Joyce’s questions unconstitutionally prolonged her traffic stop, Hubbard cites *State v. Hall*, 2017-Ohio-2682 (2d Dist.). In *Hall*, despite lacking a reasonable suspicion that narcotics were in the car, the officer called for a drug-sniffing dog and did nothing in furtherance of the traffic stop for approximately eight minutes while he waited for a canine unit to arrive. *Id.* at ¶ 3, 12. The *Hall* court held that the officer unreasonably extended the traffic stop, which should have lasted no more than the time it took to write the traffic citation. *Id.* at ¶ 3, 12. Unlike the prolonged traffic stop in *Hall*, Joyce’s question to verify Hubbard’s address did not measurably extend the traffic stop.

{¶21} Hubbard also argues that Joyce unlawfully extended her traffic stop when he ordered her out of her car. But it is well established that “officers have the right to remove an occupant from a vehicle during a traffic stop” for a traffic violation. *See State v. Jeffries*, 2025-Ohio-2983, ¶ 14 (1st Dist.), citing *State v. Jackson*, 2022-Ohio-4365, ¶ 13; *see also Arizona*, 555 U.S. at 331 (“The government’s ‘legitimate and weighty’ interest in officer safety . . . outweighs the ‘de minimis’ . . . intrusion of requiring a driver, already lawfully stopped, to exit the vehicle.”).

{¶22} We overrule Hubbard’s first assignment of error.

B. Sufficiency-of-the-evidence challenges

{¶23} In her second assignment of error, Hubbard challenges the evidence supporting her window-tint, resisting-arrest, and failing-to-comply convictions.

1. The evidence was insufficient to convict Hubbard of a window-tint violation

{¶24} We begin with Hubbard’s challenge to her window-tint conviction under R.C. 4513.241.

{¶25} In a sufficiency challenge, we view the evidence in the State’s favor and determine if a reasonable trier of fact “‘could have found the essential elements of the crime proven beyond a reasonable doubt.’” *State v. Scott*, 2022-Ohio-3020, ¶ 10 (1st Dist.), quoting *State v. Jenks*, 61 Ohio St.3d 259 (1991), paragraph two of the syllabus.

{¶26} In Ohio, the director of public safety’s administrative rules govern “the use of tinted glass, and the use of transparent, nontransparent, and translucent, and reflectorized materials in or on motor vehicle windshields, side windows, sidewings, and rear windows.” R.C. 4513.241(A). Under R.C. 4513.241(C), motorists may not operate a motor vehicle unless the vehicle conforms to the director of public safety’s rules governing tinted windows.

{¶27} To convict a motorist of violating “R.C. 4513.241, the state must prove that the defendant’s windows were tinted in violation of the light-transmittance standards set forth in Ohio Adm.Code 4501-41-03.” *Scott* at ¶ 21. Transmittance is “the ratio of the amount of total light, as expressed in percentages, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.” Adm.Code 4501-41-02(C). Relevant here, Ohio law requires 50 percent light transmittance for front side windows. Adm.Code 4501-41-03(A)(3). So, a conviction for unlawfully-tinted windows requires “‘proof of

the percentage of light transmittance of the defendant's window.” *Scott* at ¶ 20, quoting *State v. Giffin*, 2012-Ohio-6241, ¶ 13 (6th Dist.); see *State v. Baker*, 2010-Ohio-2633, ¶ 24 (2d Dist.). The record must include an “objective measurement” of light transmittance. *Scott* at ¶ 20, quoting *Giffin* at ¶ 13.

{¶28} Here, the State's evidence fell short of proving the light transmittance of Hubbard's front windows. Joyce testified that Hubbard's “front driver's side window measured at four percent.” But he failed to explain what “four percent” reflected. With no mention of light transmittance, “four percent” does not establish a violation of R.C. 4513.241. See *State v. French*, 72 Ohio St.3d 446, 452 (1995) (“the trial court committed reversible error by allowing the actual numerical figure of the BAC test to be introduced into evidence in the absence of expert testimony explaining the significance of the figure.”).

{¶29} The State argues that Joyce's testimony about his tint meter's reading is sufficient because Joyce prefaced his testimony with a discussion of calibrating his meter. But that testimony does not explain the significance or context of the tint meter's reading. Joyce testified that he calibrates his meter with a “small windshield of tint.” Specifically, “you put it on there, see if the tint reader reads the correct amount, look at the tint on the little placard you get,” and compare the reader to the placard. But there is nothing to establish the “amount” referenced by Joyce was light transmittance. Compare *Baker* at ¶ 24 (officer testified that the tint meter measures “the amount of light being transmitted through the window” and that Baker's front window allowed a “light transmittance of only 7.2 percent.”).

{¶30} The State also argues that Hubbard's windshield tint, as seen in Joyce's bodycam footage, constituted a violation of R.C. 4513.241. In Ohio, “windshield tinting is lawful if both (1) the material or product has a light transmittance of not less than

70 percent (plus or minus 3 percent) and (2) the tinting is not red or yellow in color.” *Baker*, 2010-Ohio-2633, at ¶ 25 (2d Dist.); see *State v. Leonard*, 2007-Ohio-3312, ¶ 11 (1st Dist.). The bodycam footage is inconclusive and falls short of an “objective measurement” proving the percentage of light transmitted through the windshield.

{¶31} In sum, the evidence was insufficient to prove the amount of light transmittance through Hubbard’s car window, a necessary element to convict a defendant under R.C. 4513.241. We sustain the portion of Hubbard’s assignment of error involving her conviction for unlawfully-tinted windows.

2. We affirm Hubbard’s convictions for failing to comply and resisting arrest

{¶32} Next, Hubbard argues that the State’s evidence was insufficient to convict her of failing to comply because the State failed to prove that Joyce issued a “lawful order.” She asserts, “[t]he impropriety of the arrest for failure to comply renders the conviction for resisting arrest subject to reversal for insufficient evidence.”

{¶33} Under R.C. 2921.331(A), a conviction for failing to comply requires proof that the defendant “fail[ed] to comply with any lawful order or direction of any police officer invested with authority to direct, control, or regulate traffic.” Hubbard limits her argument on appeal to the lawful-order-or-direction element.

{¶34} Hubbard contends that Joyce’s command to exit her car was unlawful because he prolonged the traffic stop with his “repetitive and unnecessary questions” in violation of the Fourth Amendment. But again, Joyce’s attempts to verify Hubbard’s address were permissible “ordinary inquiries” and did not meaningfully prolong her traffic stop. And during a lawful traffic stop “for a traffic violation, officers may order the driver of the vehicle to exit without violating the Fourth Amendment’s proscription of unreasonable search and seizures.” *Jeffries*, 2025-Ohio-2983, at ¶ 14 (1st Dist.). An order to step out of a vehicle during a traffic stop is “a minimal intrusion to ensure

officer safety” and requires “no justification beyond that necessary for the initial stop.” *Id.*, quoting *State v. Jackson*, 2022-Ohio-4365, ¶ 13. Because Joyce’s questions and order to Hubbard to exit from her vehicle were lawful, the State’s evidence sufficed to sustain a conviction under R.C. 2921.331(A).

{¶35} Turning to her resisting-arrest conviction, R.C. 2921.33(A) requires proof that the defendant “recklessly or by force . . . resist[ed] or interfere[d] with a lawful arrest of the person or another.” Hubbard limits her arguments to the lawful-arrest element and contends that the lack of a lawful order made her arrest for failing to comply unlawful.

{¶36} But Joyce’s order to exit from her vehicle was lawful under *Jeffries*. Plus, the lawfulness of an arrest does not turn on the sufficiency of the State’s evidence of the offense at trial. Rather, an arrest is “lawful” if ““the arresting officer [had] probable cause or a reasonable basis to believe that the offense for which the defendant has been arrested did, in fact, occur.”” *State v. Pitts*, 2022-Ohio-4172, ¶ 13 (1st Dist.), quoting *In re M.H.*, 2021-Ohio-1041, ¶ 25 (1st Dist.), quoting *State v. Glenn*, 2004-Ohio-1489, ¶ 23 (1st Dist.). Courts ask whether “the surrounding circumstances would give a reasonable police officer cause to believe that an offense has been or is being committed.” *State v. Mitchell*, 2011-Ohio-2465, ¶ 33 (12th Dist.). Under the circumstances, Joyce had probable cause to arrest Hubbard.

{¶37} In sum, the State’s evidence was sufficient to prove that Joyce’s order to Hubbard to exit from her vehicle and arrest of Hubbard for failing to comply with that order were both “lawful.” We overrule the parts of Hubbard’s second assignment of error challenging her convictions for failing to comply and resisting arrest.

C. Hubbard's third assignment of error is moot

{¶38} In her third assignment of error, Hubbard argues that her one-day sentence for a window-tint violation was contrary to law. But given our disposition of Hubbard's second assignment of error, her third assignment of error is moot and we do not address it.

III. Conclusion

{¶39} We overrule Hubbard's first assignment of error and the portions of her second assignment of error challenging her failure-to-comply and resisting-arrest convictions in the appeals numbered C-250562 and 250563, and we affirm the trial court's judgments convicting Hubbard of those offenses.

{¶40} We sustain the part of Hubbard's second assignment of error challenging her conviction for unlawfully-tinted windows under R.C. 4513.241. We reverse her conviction for that offense and discharge her from further prosecution in the appeal numbered C-250564. And based on our reversal of her unlawfully-tinted-windows conviction, Hubbard's third assignment of error is moot and we decline to address it.

Judgment accordingly.

CROUSE, P.J., and NESTOR, J., concur.