

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

STATE OF OHIO,	:	APPEAL NO.	C-250663
		TRIAL NO.	B-2502127
Plaintiff-Appellee,	:		
vs.	:		
			<i>JUDGMENT ENTRY</i>
LESANE DEVAR HAYWOOD,	:		
Defendant-Appellant.	:		

This cause was heard upon the appeal, the record, and the briefs.

For the reasons set forth in the Opinion filed this date, the judgment of the trial court is affirmed in part and reversed in part, and the cause is remanded.

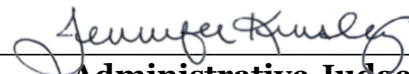
Further, the court holds that there were reasonable grounds for this appeal, allows no penalty, and orders that costs be taxed 50% to Appellant and 50% to Appellee.

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.

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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STATE OF OHIO,	:	APPEAL NO.	C-250663
	:	TRIAL NO.	B-2502127
Plaintiff-Appellee,	:		
vs.	:		
	:		<i>OPINION</i>
LESANE DEVAR HAYWOOD,	:		
Defendant-Appellant.	:		

Criminal Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Affirmed in Part, Reversed in Part, and Cause Remanded

Date of Judgment Entry on Appeal: August 5, 2026

Connie Pillich, Hamilton County Prosecuting Attorney, and *Judith Anton Lapp*,
Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Schuh & Goldberg, LLP, and *Brian T. Goldberg*, for Defendant-Appellant.

NESTOR, Judge.

{¶1} Lesane Haywood stopped for gas in his rented Nissan at the Shell gas station on Compton Road in Springfield Township. Alert to his presence, Springfield Township officers approached him to discuss outstanding felony warrants for his arrest. Reluctant to have such a conversation, Haywood fled on foot, leaving his Nissan at the pump.

{¶2} After apprehending Haywood, the Springfield Township officers performed an inventory search of the Nissan. In court, Haywood moved to suppress two baggies of narcotics found in the Nissan. The trial court denied the motion based on the inventory search exception to the Fourth Amendment's prohibition against warrantless searches.

{¶3} Haywood appeals the denial. Because the record reflects that the inventory search was conducted in good faith and in conformity with Springfield Township Police Department policy, the trial court did not err in denying the motion to suppress. However, the cause must be remanded for resentencing on Count 2 because the sentence imposed by the trial court did not comply with R.C. 2929.14's sentencing range or the Reagan Tokes Law's notification requirements.

I. Factual and Procedural History

{¶4} On May 7, 2025, defendant-appellant Haywood was charged in a 13-count indictment for conduct that occurred on April 23, 2025, and April 28, 2025. Count 1 was for failure to comply with an order or signal of a police officer on April 23. The remaining counts included trafficking in and possession of cocaine, trafficking in and possession of a fentanyl-related compound, resisting arrest, and obstruction of official business—conduct which occurred on April 28, 2025.

{¶5} Haywood moved to suppress evidence found pursuant to an inventory

search of the rental car he was driving. The following facts were presented at the suppression hearing.

{¶6} On April 28, 2025, Haywood parked his rental car at a gas pump and walked inside the gas station. An undercover officer recognized Haywood and knew there were felony warrants out for his arrest.

{¶7} A different officer, Officer Nash, arrived a few minutes later and approached Haywood inside the gas station. Haywood attempted to flee but was subsequently apprehended and arrested outside the gas station. This interaction was captured on Officer Nash’s body-worn camera footage (“BWC”), which was admitted into evidence at the suppression hearing.

{¶8} The Springfield Township Police Department maintains a policy for towing and impounding motor vehicles. A copy of the policy was admitted into evidence at the suppression hearing.

{¶9} Relevant to this appeal, Section (A)(1) of the policy states that vehicles “in the possession of a physically arrested person” are subject to “mandatory towing.” Section (A)(2) of the policy provides exceptions to Section (A)(1)’s mandatory tow provision, where officers have discretion as to whether to tow the vehicle. Under Section (A)(2), if a vehicle not needed for evidence is in the possession of a physically arrested person, the officer “*may* . . . allow the vehicle to be parked at the location of the arrest if the vehicle can be safely and legally parked at that location.” (Emphasis added.) The officer also has discretion to “arrange for a licensed driver to remove the vehicle.”

{¶10} The policy goes on to provide that if a vehicle is going to be towed and/or impounded, an inventory search “will be conducted at the scene” prior to the tow unless the officer “determines that it is dangerous to inventory the vehicle at the

scene.”

{¶11} Officer Nash testified that because Haywood was physically under arrest, police decided to tow the car pursuant to Section (A)(1) of the policy. He testified that it was not the common practice of the Springfield Township Police Department to leave a car parked at a gas pump.

{¶12} Officer Nash conducted the inventory search. He found multiple bags of narcotics in the car Haywood was driving.

{¶13} Haywood filed a motion to suppress the evidence found in the car. He argued that the evidence was the fruit of an unconstitutional search and seizure in violation of his Fourth Amendment rights.

{¶14} The trial court denied the motion to suppress, reasoning that the search fell into the inventory search exception to the Fourth Amendment’s warrant requirement.

{¶15} After the trial court denied his motion to suppress, Haywood pleaded no contest to six charges pursuant to a plea bargain. Haywood received an aggregate sentence of 60 to 81 months in the Ohio Department of Rehabilitation and Correction.

{¶16} Haywood appeals, presenting two assignments of error for our review.

II. Analysis

{¶17} In his first assignment of error, Haywood argues that the trial court erred by denying his motion to suppress. His second assignment of error asserts that the sentence imposed by the trial court on Count 2 was contrary to law.

A. First Assignment of Error

{¶18} Appellate review of a trial court’s decision on a motion to suppress presents a mixed question of law and fact. *State v. Curry*, 2022-Ohio-627, ¶ 12 (1st Dist.), citing *State v. Burnside*, 2003-Ohio-5372, ¶ 8. We must accept the trial court’s

factual findings if they are supported by competent, credible evidence, but we review de novo the trial court's application of the law to those facts. *Burnside* at ¶ 8.

{¶19} The Fourth Amendment protects against unreasonable searches and seizures by the government. U.S. Const., amend. IX. Generally, the government must obtain a warrant before performing a search. *State v. Toran*, 2023-Ohio-3564, ¶ 2, citing *Katz v. United States*, 389 U.S. 347, 357-358 (1967). Warrantless searches and seizures “are per se unreasonable under the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions.” *Katz* at 357.

{¶20} One such exception to the warrant requirement is the reasonable inventory search of a vehicle. *Toran* at ¶ 17. If a police department maintains a standardized procedure for inventory searches and complies with that procedure in good faith while performing an inventory search, the search does not violate the Fourth Amendment. *Id.* at ¶ 2, citing *South Dakota v. Opperman*, 428 U.S. 364, 368-368 (1976); *Colorado v. Bertine*, 479 U.S. 367, 372 (1987).

{¶21} Here, Officer Nash testified that it was Springfield Township Police Department policy to “impound vehicles when the operator is placed under arrest,” and that “it would not be common practice for us to just leave [the car] at a gas station when the sole occupant of that vehicle was arrested.” He testified that under the policy, inventory searches should be conducted at the scene unless it would be dangerous to the officer conducting the search. A copy of the Springfield Township Police Department's Towing and Impoundment Policy was entered into evidence, which corroborated Officer Nash's testimony.

{¶22} Haywood argues that the officer should have allowed the car to remain at the gas station or allowed Haywood to arrange for someone to come pick up the car. This argument fails. The Fourth Amendment does not require police to afford

defendants the opportunity to make alternate arrangements before towing a car and conducting an inventory search. *Bertine* at 374, quoting *Illinois v. Lafayette*, 462 U.S. 640, 647 (1983) (“The reasonableness of any particular governmental activity does not necessarily or invariably turn on the existence of alternative ‘less intrusive’ means.”).

{¶23} Overall, the record reflects that Springfield Township police officers conducted an inventory search of Haywood’s car in good faith and in conformity with an established policy. Therefore, the search did not violate Haywood’s Fourth Amendment rights, and the trial court did not err in denying Haywood’s motion to suppress.

{¶24} The first assignment of error is overruled.

B. Second Assignment of Error

{¶25} Haywood’s second assignment of error contends that the sentence imposed by the trial court on Count 2 is contrary to law. The State concedes that it is.

{¶26} Count 2 charged Haywood with a violation of R.C. 2925.03(A)(2), trafficking in cocaine, which is a first-degree felony. The trial court imposed a sentence of 42 months to 63 months (which is 3.5 to 5.25 years) on this count.

{¶27} R.C. 2929.14 provides that, for first-degree felonies, “the prison term shall be an indefinite prison term with a stated minimum term selected by the court of three, four, five, six, seven, eight, nine, ten, or eleven years,” unless otherwise delineated by statute.

{¶28} Here, because the trial court imposed a minimum sentence of 42 months, or 3.5 years, that sentence is not authorized by R.C. 2929.14.

{¶29} Further, the trial court was required to inform Haywood of the Reagan Tokes Law notifications under R.C. 2929.19. The trial court provided some of these notifications, but not all of them. Specifically, the court informed Haywood that there

is a rebuttable presumption that he will be released at the end of his sentence, but if Haywood conducted himself in an “unsafe way” while incarcerated, the State may use that conduct to rebut the presumption and extend his prison term.

{¶30} As the State conceded, the trial court provided some of the requisite notifications under R.C. 2929.19(B)(2)(c)(i), (ii), and (iii). However, the trial court failed to provide all the notifications.

{¶31} Because the minimum sentence imposed by the trial court on Count 2 is not authorized by R.C. 2929.14 and because the trial court failed to provide the full notifications required for a Reagan Tokes sentence, the cause must be remanded for resentencing on Count 2.

{¶32} The second assignment of error is sustained.

III. Conclusion

{¶33} Because the record reflects that the inventory search was performed in good faith and in conformity with an existing policy, the inventory search did not violate Haywood’s constitutional rights under the Fourth Amendment. Accordingly, the trial court did not err in denying the motion to suppress. The first assignment of error is overruled.

{¶34} The second assignment of error is sustained as to Count 2, and the cause is remanded for the trial court to resentence Haywood on that count and provide the full notifications required for a Reagan Tokes sentence.

Judgment affirmed in part, reversed in part, and cause remanded.

CROUSE, P.J., and BOCK, J., concur.