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

STATE OF OHIO,	:	APPEAL NO. C-250684 TRIAL NO. 25/CRB/8723
Plaintiff-Appellee,	:	
vs.	:	*JUDGMENT ENTRY*
VEASIA LUCKEY,	:	
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.

Further, the court holds that there were reasonable grounds for this appeal, allows no penalty, and orders that costs be 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.

To the clerk:

Enter upon the journal of the court on 8/26/2026.

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

By: Jennifer Hensley
Administrative Judge

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STATE OF OHIO,	:	APPEAL NO. C-250684 TRIAL NO. 25/CRB/8723
Plaintiff-Appellee,	:	
vs.	:	*O P I N I O N*
VEASIA LUCKEY,	:	
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Municipal Court

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: August 26, 2026

Emily Smart Woerner, City Solicitor, *Susan M. Zurface*, Chief Prosecuting Attorney, and *Carla N. Weaver* and *Robert E. Rickey*, Assistant Prosecuting Attorneys, for Plaintiff-Appellee,

Angela W. Chang, Hamilton County Public Defender, and *Joshua A. Thompson*, Assistant Public Defender, for Defendant-Appellant.

NESTOR, Judge.

{¶1} After receiving a report that a young child had been left home alone, Cincinnati police entered defendant-appellant Veasia Luckey's home without a warrant. Luckey argues that this warrantless search violated her constitutional rights. The State contends that the search was justified in order to ensure the safety and wellbeing of the child.

{¶2} We agree with the State. The police officer in this case was privileged to enter the home without a warrant based on exigent circumstances.

I. Factual and Procedural History

{¶3} Luckey was charged with endangering children under R.C. 2919.22(A), which is a first-degree misdemeanor. She filed a motion to suppress, arguing that a warrantless search of her apartment violated her Fourth Amendment rights. The following facts were discerned at the suppression hearing.

{¶4} On May 27, 2025, Officer Kelly Drach was dispatched to an apartment building in Walnut Hills. When Officer Drach arrived, she spoke with the building manager, who informed her that a child had been left alone in an apartment for approximately 13 hours. When describing the child, the building manager stated that the child was "just a baby." The building manager also told Officer Drach that the child was nonverbal and on the autism spectrum. This interaction was captured on Officer Drach's body-worn camera footage ("BWC"), which was viewed by the trial court and admitted into evidence at the hearing.

{¶5} Based on this information, Officer Drach decided to enter the apartment. Officer Drach testified that when she entered the apartment, she saw "filth" and "trash all over the floor." She also testified that the child did not have access to food or a restroom.

{¶6} The trial court denied Luckey's motion to suppress, reasoning that the exigent circumstances provided Officer Drach with a reasonable basis to enter the apartment.

{¶7} Luckey pleaded no-contest and was subsequently found guilty of child endangering. She now appeals.

II. Analysis

{¶8} In one assignment of error, Luckey argues that the trial court erred in denying her motion to suppress the search of her apartment and all evidence obtained therein.

A. Assignment of Error

{¶9} Appellate review of a trial court's decision on a motion to suppress "presents a mixed question of law and fact." *State v. Burnside*, 2003-Ohio-5372, ¶ 8. We accept the trial court's findings as long as they are supported by competent, credible evidence. *State v. Rogers*, 2022-Ohio-4535, ¶ 26 (1st Dist.). We then independently determine whether the facts satisfy the applicable legal standard. *Id.*, citing *Burnside* at ¶ 8.

{¶10} The Fourth Amendment protects against unreasonable searches and seizures by the government. U.S. Const., amend. IV. Warrantless searches and seizures "are per se unreasonable under the Fourth Amendment—subject only to a few specifically established and well-delineated exceptions." *Katz v. United States*, 389 U.S. 347, 357 (1967).

{¶11} "'[W]arrants are generally required to search a person's home . . . unless the 'exigencies of the situation' make the needs of law enforcement so compelling that the warrantless search is objectively reasonable under the Fourth Amendment.'" *State v. Buck*, 2017-Ohio-8242, ¶ 19 (1st Dist.), quoting *Brigham City v. Stuart*, 547 U.S.

398, 403 (2006). Warrantless searches are justified where exigent circumstances exist because "'there is a compelling need for official action and no time to secure a warrant.'" *Id.*, quoting *Michigan v. Tyler*, 436 U.S. 499, 509 (1978).

{¶12} If a law enforcement officer "reasonably believe[s], based on specific and articulable facts, that a person within the home is in need of immediate aid," the "emergency-aid" exception allows them "to enter a home without a warrant and without probable cause." *Id.* at ¶ 21. Courts look at the totality of the circumstances to determine "whether police faced an emergency that justified acting without a warrant." *Id.* at ¶ 22, citing *Missouri v. McNeely*, 569 U.S. 141, 149 (2013). Law enforcement officers do not need "ironclad proof" of a life-threatening emergency. *Id.* at ¶ 23, quoting *State v. Dunn*, 2012-Ohio-1008, ¶ 19. Rather, the question is whether a reasonable police officer would believe exigent circumstances exist. *Id.*, citing *Dunn* at ¶ 22.

{¶13} Here, Officer Drach believed that an autistic, nonverbal child had been left home alone for over 13 hours. Under these circumstances, a reasonable police officer would believe exigent circumstances exist and that waiting to obtain a warrant could jeopardize the child's health or safety. "Young children left unsupervised in a house provide[] exigent circumstances to permit a warrantless entry into the premises to locate the children, determine if they are in need of aid, and secure their safety." *State v. Wyatt*, 2004-Ohio-6546, ¶ 13 (9th Dist.); *see State v. Edwards*, 2010-Ohio-826, ¶ 21 (11th Dist.).

{¶14} Therefore, Officer Drach's warrantless entry of the apartment was justified under the exigent circumstances exception to the Fourth Amendment's general prohibition against warrantless searches. The trial court did not err in denying Luckey's motion to suppress.

{¶15} The assignment of error is overruled.

III. Conclusion

{¶16} Having overruled Luckey's sole assignment of error, we affirm the judgment of the trial court.

Judgment affirmed.

BOCK, P.J., and **MOORE, J.,** concur.