

IN THE SUPREME COURT OF OHIO

STATE OF OHIO,	:	Case No. _____
	:	
Plaintiff-Appellee,	:	
	:	On Appeal from the Montgomery
v.	:	County Court of Appeals
	:	Second Appellate District
JULIE R. STRIKS,	:	
	:	Court of Appeals
Defendant-Appellant.	:	Case No. CA 026387

**MEMORANDUM IN SUPPORT OF JURISDICTION
OF APPELLANT, JULIE R. STRIKS**

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EXPLANATION OF WHY THIS IS A CASE OF PUBLIC OR GREAT GENERAL INTEREST AND INVOLVES A SUBSTANTIAL CONSTITUTIONAL QUESTION

The two police officers who forced their way into Julie R. Striks's home testified that their decision to do so was premised exclusively on the smell of burnt marijuana that emanated from Ms. Strik's home when she briefly opened the door to them. One officer also acknowledged that once Ms. Striks closed her door, they would typically have just left. But having smelled the marijuana, the officers believed that Ms. Striks may have been committing a minor misdemeanor punishable by no more than a \$150 fine. The officers' response was to force their way into Ms. Striks's home, one officer through the front door, the other through the back, conduct a protective sweep, and "secure" the home for over two hours pending the request for a warrant.

Ms. Striks's ordeal raises serious questions about law enforcement's use of exigent circumstances to justify warrantless home entries, what types of offenses constitute "minor offenses" which do not justify warrantless entry into a home, and whether Ms. Striks's post-seizure statements and actions are fruit of the poisonous tree. Additionally, the court of appeals based its reversal of the trial court's suppression on facts neither the officers nor the trial court relied upon to justify or uphold the seizure, raising an issue as to a court of appeals' role when examining mixed questions of law and fact.

Trespass into the home is the primary evil against which the Fourth Amendment is directed. Absent resolution of the questions posed by Ms. Striks's case, the citizenry will continue to bear the brunt of the legal uncertainty surrounding these issues. This Court must establish bright-line rules regarding under what circumstances the police may perform a literal home invasion, when the suspected criminal activity is at the low end of the misdemeanor spectrum.

STATEMENT OF THE CASE AND FACTS

In April 2014, Stephanie Rooks went to the Huber Heights police station asking for an officer to accompany her to collect some of her child's belongings—clothing and movies—left behind in an apartment. Ms. Rooks told Officer Ben Holbrook that her ex-boyfriend, Alex Philpot, babysat their son while she worked, and that Mr. Philpot lived in his current girlfriend's apartment. Earlier that day, Ms. Rooks had had her mother retrieve Ms. Rooks's child from the home, but some belongings remained at the home. Ms. Rooks also wanted to get \$150 or \$160 back from Mr. Philpot "for marijuana."

Officer Holbrook called for another unit to meet him at the address provided. Officer Terry Combs arrived to assist on what was deemed a "peace call." As the two officers and Ms. Rooks walked towards the apartment, she explained that she had loaned Mr. Philpot \$300 for a quarter-pound of marijuana, and that he was supposed to pay her back but still owed her a portion of the money. Pressed as to her involvement in the transaction, Ms. Rooks told Officer Holbrook that she was not partaking, but that he needed money and she "knew" what Mr. Philpot was using the money for. Officer Combs stated that Ms. Rooks reported what she "believed" the money was used for.

Ms. Rooks knocked on the door. As the door opened Ms. Rooks announced herself and stated she was with the police, at which time the door closed and the deadbolt locked. Officer Combs was closest to the door, and smelled burnt marijuana. He told Officer Holbrook to go around to the back door and make sure no one left. They knocked again, announcing their presence. Ms. Striks testified this was the first time she realized the police were there.

About thirty seconds after that second knock Ms. Striks opened the door, and stepped out, closing the door behind her. Officer Combs explained why they were there—to gather belongings—

but added that he had smelled marijuana when she opened the door, and that he would be going into her home to secure the home pending a warrant or her consent.

He explained that his entry into the apartment was necessary so that she did not destroy or remove any potential evidence. Ms. Striks did not want to let them into her home, and did not consent to their entry. Officer Combs told her that regardless of her decision, one way or another he would be entering and securing the home. Ms. Striks went back inside her home, intending to call an attorney, but Officer Combs placed his foot in the door and followed her in.

Almost simultaneously, Officer Holbrook had entered Ms. Striks's home through the back door. Looking through the sliding glass door, Officer Holbrook saw two men and a child in the apartment. He knocked on the glass and when the two guests came to the door, he asked them to open the door so they could talk. When they opened the door, he smelled burnt marijuana. He then told the men that he needed to step inside to speak to them, but they refused. Officer Holbrook put his foot in the door track, told them that "by law" he was coming in, and that they would face charges if they obstructed him. The men stepped back and he stepped in. Officer Holbrook stated he entered to avoid the destruction or removal of evidence.

After a protective sweep, the officers moved the four adults, and Ms. Striks's two children, into the living room. Officer Combs spoke with Ms. Striks and Mr. Philpot privately, but did not secure consent for a search. They began the process of securing a search warrant.

During the over two-hour wait for the warrant, the officers continued to occupy the apartment. Ms. Striks was not permitted to go to the bathroom in her own home, instead having to use a neighbor's bathroom, and was denied permission to take her children with her. No one was permitted to move about the home. Ms. Striks was forced to change her toddler's diaper in front of the officers and guests in the living room. The two guests eventually left. The officers told her that if

she cooperated she would not have to go to jail that night and her children would not go to children's services.

Eventually, Ms. Striks asked Officer Combs if they would leave her home if she gave them the marijuana. Officer Combs refused because the warrant process had begun. He called and supplemented the application affidavit with her offer. Once Ms. Striks was informed that the warrant was secured, she took Officer Holbrook to the back bedroom and gave him the 92 grams of marijuana in her possession. Afterwards, the officer Mirandized her. She was charged with one count of trafficking in marijuana in the vicinity of a school or juvenile, a fourth-degree felony.

Ms. Striks moved to suppress all of the evidence discovered in her apartment, and her statements. The trial court granted her motion. The State appealed and the Second Appellate District reversed the trial court's decision. One judge dissented, and would have affirmed the trial court's decision on the issues raised herein.

ARGUMENT IN SUPPORT OF PROPOSITIONS OF LAW

First Proposition of Law

Law enforcement cannot create exigent circumstances, through threatened or actual Fourth Amendment violations, to justify their warrantless entry into a home where none existed.

Warrantless searches and seizures carried out in a home are *per se* unreasonable, unless exigent circumstances exist. (Citations omitted.) *Coolidge v. New Hampshire*, 403 U.S. 443, 454-455, 474-475, 91 S.Ct. 2022, 29 L.Ed.2d 564 (1971). In *Payton v. New York* the Supreme Court of the United States held that the "physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed." 445 U.S. 573, syllabus, 100 S.Ct. 1371, 63 L.Ed.2d 639 (1980). In *Payton* the Supreme Court highlighted the "sanctity of the home" to conclude that police were prohibited from warrantless, nonconsensual entry into a home to make routine felony

arrests. *Id.* That Court stated that absent exigent circumstances—even if probable cause and statutory authority exist—the Fourth Amendment “has drawn a firm line at the entrance of a house” which may not be crossed without a warrant. *Id.* This line applies equally to seizures of property and persons. *Id.*

There are only a few, limited, situations that constitute exigent circumstances such that the warrant requirement may be circumvented. *Kentucky v. King*, 131 S.Ct. 1849, 1856-1857, 179 L.Ed.2d 865 (2011); *Welsh v. Wisconsin*, 466 U.S. 740, 750, 104 S.Ct. 2091, 80 L.Ed.2d 732 (1984). These carefully delineated circumstances include where emergency aid must be administered, where police are in hot pursuit of a suspect, and where there is a need to prevent the imminent destruction or removal of evidence. *Id.*; *State v. Dunn*, 131 OhioSt. 3d 325, 2012-Ohio-1008, 964 N.E.2d 1037, ¶ 16-22 (community caretaking/emergency aid exception); *Middletown v. Flinchum*, 95 Ohio St.3d 43, 2002-Ohio-1625, 765 N.E.2d 330, ¶ 45 (hot pursuit). The burden of showing the need for a claimed warrant requirement exception falls on the party invoking the exception. *United States v. Jeffers*, 342 U.S. 48, 51, 72 S.Ct. 93, 96 L.Ed. 59 (1951); *see also McDonald v. United States*, 335 U.S. 451, 455-456, 69 S.Ct. 191, 93 L.Ed. 153 (1948).

The leading Supreme Court of the United States case on officer-created exigencies is *Kentucky v. King*. In *King*, police officers followed a suspected drug dealer into an apartment complex, but were unsure as to which of two apartments the suspect entered. *King* at 1854. The officers smelled marijuana emanating from one of the two apartments and opted to knock on that door and announce themselves as loudly as possible. *Id.* As it turned out, they chose the wrong door. *Id.* at 1855. But after their announcement the officers heard people and things moving inside the apartment and announced that they were going to make entry. *Id.* at 1854. During the protective sweep that followed, police found marijuana and cocaine. *Id.* Addressing the claim that the officers

created the exigency by knocking and announcing their presence, the Court held that “a warrantless entry based on exigent circumstances is reasonable when the police did not create the exigency by engaging or threatening to engage in conduct violating the Fourth Amendment.” *Id.* at syllabus.

The Court stated that when law enforcement knock on a door, they do no more than a private citizen is entitled to do, and that the citizen may opt to not open the door, choose not to answer questions, or refuse to grant the officers entry onto the premises. *Id.* at 1862. The Court noted that “occupants who choose not to stand on their constitutional rights but instead elect to attempt to destroy evidence have only themselves to blame for the warrantless exigent-circumstances search that may ensue.” *Id.*

In Ms. Striks’s case, the court of appeals determined that the officers knew that she closed and locked the door when she realized police were outside her door, and they knew that Mr. Philpot lived in the apartment with Ms. Striks. *State v. Striks*, 2d Dist. Montgomery No. CA 026387, 2015-Ohio-1401, ¶ 34. The court also noted that when Ms. Striks reemerged—voluntarily—Officer Combs informed her that he had detected the odor of burnt marijuana from her apartment, but she refused to consent to a search. *Id.* As such, Ms. Striks knew the object of the search. *Id.* The court of appeals concluded that based on these facts the officers reasonably believed exigent circumstances existed justifying their warrantless entry. *Id.*

The circumstances outlined by the court of appeals do not constitute exigent circumstances, but rather the actions taken by a citizen taking heed of the Supreme Court of the United States’ admonition to “stand on [her] constitutional rights.” *King* at 1862. In a similar case, the Second District determined that once an occupant opts not to speak with police, in a situation where the door is initially opened and then closed, the officers should abandon their efforts to question the occupants and pursue alternative investigatory routes. *State v. Miller*, 2d Dist. Montgomery No. CA

24609, 2012-Ohio-5206, ¶ 16-20 (holding that officers' decision to remain on scene after the door was closed and locked was coercive and an improper and unconstitutional show of authority); *see also King* at 1862; *United States v. Ramirez*, 676 F.3d 755, 762 (8th Cir. 2012).

Most critically, however, for purposes of the *King* analysis, both officers here created the exigent circumstances when they individually threatened to commit or committed Fourth Amendment violations to secure their entry into the home. Officer Combs told Ms. Striks that she could consent or he would force his way into her home. Meanwhile, Officer Holbrook began to force his way into the home, while threatening individuals with criminal charges if they did not allow him fully inside.

Additionally, as noted by the dissent in *Striks*, not only were the hallmarks of a destruction of evidence case—sounds of movement behind closed doors—absent, but Officer Combs sought the exigency when he decided to inform Ms. Striks of his suspicion regarding the presence of drugs, rather than informing her of their original purpose and then retreating to secure a warrant absent a risk of destruction. *Striks* at ¶ 49 (Froehlich, P.J. dissenting); *see generally State v. Thomas*, 10th Dist. Franklin No. 14AP-185, 2015-Ohio-1778, ¶ 32 (concluding from its review of Ohio case law that cases involving destruction of evidence often involve sounds associated with destruction or actual efforts to remove drugs). Notably, by the time Officer Combs informed Ms. Striks of the object of the search, Officer Holbrook was already at the back door trespassing into Ms. Striks's home.

Federal courts have outlined a two-pronged test for determining whether a reasonable risk of destruction or removal of evidence exists. That test asks officers to demonstrate “1) a reasonable belief that third parties are inside the dwelling; and 2) a reasonable belief that these third parties may soon become aware that the police are on their trail, so that the destruction of evidence would be in

order.” *United States v. Sangineto-Miranda*, 859 F.2d 1501, 1512 (6th Cir. 1988); *see also United States v. Lewis*, 231 F.3d 238, 241 (6th Cir. 2000); *United States v. Socey*, 846 F.2d 1439, 1445 (D.C. Cir. 1988). Ohio appellate courts have adopted this two-part test. *Striks* at ¶ 32; *State v. Callan*, 8th Dist. Cuyahoga No. 95310, 2011-Ohio 2279, ¶ 20; *State v. Enyart*, 10th Dist. Franklin Nos. 08AP-184 & 08AP-318, 2010-Ohio-5623, ¶ 21. The mere possibility of destruction or removal is insufficient; there must be a real likelihood that this danger exists. *Thomas* at ¶ 30.

In Ms. Striks’s case the only reason that any third party would know that police were on their trail was because Officer Combs told Ms. Striks that when she returned to speak with him. Further, until Officer Holbrook went to the back door, by which time each officer had independently decided to forcibly enter the home, neither officer could have known that third parties were inside. There were no exigent circumstances in this case. And if there were, they were manufactured by the responding officers.

This Court has not yet construed or applied the *King* officer-created exigency test or the federal circuits’ destruction-of-evidence exigency tests. Ms. Striks’s ordeal presents this Court with an opportunity to address each test, and determine whether any exigency existed, and whether the officer’s actions created any such exigency.

Second Proposition of Law

Where law enforcement have probable cause to believe that only a minor offense has been committed, exigent circumstances cannot overcome the presumption of unreasonableness that attaches to warrantless home entry for purposes of a search and seizure.

In *Welsh v. Wisconsin* the Supreme Court of the United States held that the “application of the exigent-circumstances exception in the context of home entry should rarely be sanctioned when there is probable cause to believe that only a minor offense has been committed.” *Welsh*, 466 U.S. 740 at syllabus. Exigent circumstances are the only way law enforcement can overcome the

presumption of unreasonableness attached to a warrantless home entry. *Id.* The gravity of the underlying offense is an important factor to be considered when analyzing a warrantless home entry ostensibly justified by exigent circumstances. *Id.*

Although *Welsh* remains the United States Supreme Court's most in-depth examination of exigent circumstances in the context of home entry, the Court's reluctance to precisely define a "minor offense" has resulted in disparate and uneven precedents from lower courts. This confusion stems in part from the particular offense at issue in *Welsh*: a noncriminal violation subject to a maximum monetary forfeiture of \$200. *Welsh* at 746. The evidence at issue in *Welsh* was the suspect's dissipating blood-alcohol level. *Id.* at 753-754. In holding that a police officer could not enter a suspect's home to arrest him for a civil offense, the Court looked to Wisconsin's classification of the offense as a noncriminal forfeiture offense for which no imprisonment was possible as "the best indication of the State's interest in precipitating an arrest." *Id.* at 754. The Court added that "the penalty that may attach to any particular offense seems to provide the clearest and most consistent indication of the State's interest in arresting individuals suspected of committing that offense." *Id.* at fn. 14.

Ohio courts are split as to whether the proper dividing line lies between felonies and misdemeanors, jailable and non-jailable offenses, or criminal and civil violations. *City of Willoughby v. Dunham*, 11th Dist. Lake No. 2010-L-068, 2011-Ohio-2586 at ¶ 29 (setting forth a comparative string citation of Ohio courts that apply *Welsh* on a felony/misdemeanor and others which apply exigent circumstances to both offense classifications).

Notably, the issue in *Welsh* involved a home entry for a warrantless arrest, whereas in Ms. Striks's case the police entered her home to make a seizure. Probable cause for an arrest requires that an officer "possess sufficient information that would cause a reasonable and prudent person to

believe that a criminal offense has been or is being committed,” unlike probable cause for a search or seizure, which requires “the fair probability that evidence of a crime will be found at the location described,” but not proof that a crime has been committed. *Compare State v. Elmore*, 111 Ohio St.3d 515, 2006-Ohio-6207, 857 N.E.2d 547, ¶ 39, with *State v. McKnight*, 107 Ohio St.3d 101, 2005-Ohio-6046, 837 N.E.2d 315, ¶ 41. Allowing police officers to circumvent the warrant requirement in the lowest-level, non-violent misdemeanors classified in Ohio—not to arrest an individual likely committing a crime, but merely to investigate a potential crime—all but reads the warrant requirement out of the federal and state constitutions.

The officers in this case had probable cause to believe that Ms. Striks possessed marijuana. Possession of marijuana is a minor misdemeanor, for which only a citation can be issued, and which is non-jailable, having a maximum penalty of a \$150 fine. R.C. 2925.11(C)(3)(a); R.C. 2925.36(A); Crim.R. 4.1(B); R.C. 2929.28(A)(2)(a)(v). Further, having a conviction for a minor misdemeanor does not constitute having a criminal record. R.C. 2925.11(D). The classification and penalties for minor misdemeanors in Ohio demonstrate that these are properly deemed “minor offenses” under *Welsh*, and as such the exigent circumstances exception to the warrant requirement should not be invoked to justify the warrantless entry into a private home to investigate minor misdemeanors in Ohio. At least one appellate court in Ohio has already determined that the destruction or removal of evidence exigent circumstance cannot excuse the warrantless entry into a home for possession of marijuana. *State v. Robinson*, 103 Ohio App.3d 490, 497, 659 N.E.2d 1292 (1st Dist. 1995).

Of misdemeanors that are included on an individual’s criminal record, fourth-degree misdemeanors are the lowest classified misdemeanor offenses in Ohio. They are punishable by a jail term of not more than 30 days, and a maximum fine of \$250. R.C. 2929.24(A)(4);

2929.28(A)(2)(a)(iv). They are the lowest level of “petty offense” and are punishable by the shortest period of confinement available for any misdemeanor. Crim.R. 2(B).

Crimes classified as fourth degree misdemeanors include: failing to pay the fare on public transit; being a repeat offender who plays sound without headphones, eats, smokes, drinks, or spits on public transit; failing to attend parental education program; sabotaging livestock at an exhibition; possession of drug paraphernalia; selling tobacco products to minors; damaging someone’s trees or plants; and installing tinted windows that violate tint regulations. R.C. 2917.41; 2919.222; 901.76; 2925.14; 2927.02; 901.51; 4513.241. When fourth-degree misdemeanors are non-violent, and do not place any members of the community in risk of harm, they should also be deemed “minor offenses” such that the exigent circumstances exception to the warrant requirement cannot be invoked to justify the warrantless entry into a private home to investigate such offenses.

Third Proposition of Law

Where law enforcement illegally seize a suspect in their own home, any incriminating offers or actions obtained as a result of that illegal act must be deemed involuntary and must be excluded, barring the existence of an intervening event of significance.

The fruits of an unlawful police action include both the direct and indirect products of the illegal action. *Wong Sun v. United States*, 371 U.S. 471, 484-485, 83 S.Ct. 407, 9 L.Ed.2d 441 (1963). Absent an intervening act of free will, evidence gained by law enforcement’s own wrongdoing must be subjected to the exclusionary rule. *Id.* at 485-486. Determining whether a suspect’s actions or statements are a product of free will, independent of the police’s unlawful action, require multifactorial, case-by-case analysis. *Brown v. Illinois*, 422 U.S. 590, 603-604, 95 S.Ct. 2254, 45 L.Ed.2d 416 (1975).

The court of appeals concluded that because the officers were lawfully inside Ms. Striks’s home, her unsolicited offer to provide the officers with marijuana if they agreed to leave was not

subject to exclusion. *Striks* at ¶ 36. The court of appeals also ruled that Ms. Striks’s “voluntarily handed over the marijuana” and that this was unrelated to any unlawful act by the officers. *Id.* at ¶ 36-37.

Both Ms. Striks’s statement, and her offer to show the officer where the marijuana was, were pre-*Miranda* warning acts resulting from her frustration at being held in her own home for a period of hours after officers had forced their way into her home without a warrant. They are the fruits of the officer’s illegal entry into and seizure of her home and must be excluded.

Fourth Proposition of Law

When reviewing a mixed question of law and fact a court of appeals cannot find and rely upon new facts when the trial court’s findings of fact are supported by competent and credible evidence, and the court of appeal’s findings are unsupported by the record.

On appellate review, a motion to suppress “presents a mixed question of law and fact.” *State v. Burnside*, 100 Ohio St.3d 152, 2003-Ohio-5372, 797 N.E.2d 71, ¶ 8. When considering a motion to suppress, “the trial court assumes the role of trier of fact and is therefore in the best position to resolve factual questions and evaluate the credibility of witnesses.” *Id.*, citing *State v. Mills*, 62 Ohio St.3d 357, 366, 582 N.E.2d 972 (1992). Appellate courts must “accept the trial court’s findings of fact if they are supported by competent, credible evidence.” *Id.* at ¶ 8. After, “[a]ccepting these facts as true, the appellate court must then independently determine, without deference to the conclusion of the trial court, whether the facts satisfy the applicable legal standard.” *Id.*, citing *State v. McNamara*, 124 Ohio App.3d 706, 707 N.E.2d 539 (4th Dist.1997).

When granting Ms. Striks’s motion to suppress the trial court found that “there were no facts known to the Officers at the time they entered the property that indicated Defendant possessed more than 100 grams [of marijuana]” *State v. Striks*, C.P. No. 2014 CR 01969 (Sept. 12, 2014); see also *Striks*, 2015-Ohio-1401 at ¶ 42-44 (Froehlich, P.J. dissenting). This is supported by the record,

including the officer's testimony that they entered into the home exclusively based on the smell of marijuana. Meanwhile, the majority's finding of fact that the officers entered Ms. Striks's home because they "had reason to believe that as much as 113 grams of marijuana were inside the apartment" impermissibly overrides the trial court's finding of fact and is unsupported by the record. *Striks*, 2015-Ohio-1401 at ¶ 30.

A court of appeals cannot assume new findings of fact and then rely upon them to overturn a trial court's competent and credible findings, particularly when the court of appeals' new facts are unsupported by the record. A court of appeals must accept the trial court's findings of fact and apply these to the governing legal standards.

CONCLUSION

The Tenth District Court of Appeals very recently relied on one the most cited statements regarding the Fourth Amendment, in an opinion upholding the suppression of evidence. *State v. Dickman*, 10th Dist. Franklin No. 14AP-597, 2015-Ohio-1915, ¶ 28. That statement is found in Justice Jackson's dissent in *Brinegar v. United States* where, influenced by his experiences at Nuremberg, he observed:

But the right to be secure against searches and seizures is one of the most difficult to protect. Since the officers are themselves the chief invaders, there is no enforcement outside of court.

Only occasional and more flagrant abuses come to the attention of the courts, and then only those where the search and seizure yields incriminating evidence and the defendant is at least sufficiently compromised to be indicted. If the officers raid a home, an office, or stop and search an automobile but find nothing incriminating, this invasion of the personal liberty of the innocent too often finds no practical redress. There may be, and I am convinced that there are, many unlawful searches of homes and automobiles of innocent people which turn up nothing incriminating, in which no arrest is made, about which courts do nothing, and about which we never hear.

Courts can protect the innocent against such invasions only indirectly and through the medium of excluding evidence obtained against those who frequently are guilty. * * * We must therefore look upon the exclusion of evidence in federal prosecutions,

if obtained in violation of the Amendment, as a means of extending protection against the central government's agencies. So a search against Brinegar's car must be regarded as a search of the car of Everyman.

* * *

The citizen's choice is quietly to submit to whatever the officers undertake or to resist at risk of arrest or immediate violence.

And we must remember that the authority which we concede to conduct searches and seizures without warrant may be exercised by the most unfit and ruthless officers as well as by the fit and responsible, and resorted to in case of petty misdemeanors as well as in the case of the gravest felonies.

338 U.S. 160, 180-182, 69 S.Ct. 1302, 93 L.Ed. 1879 (1949); see Gallini, *Nuremberg Lives On: How Justice Jackson's International Experience Continues to Shape Domestic Criminal Procedure*, 46 Loy.U.Chi.L.J. 1, fn. 29 (2014). In *Brinegar* Justice Jackson faced a case of a warrantless arrest in the automobile context. *Brinegar* at 164. But his concerns are greatly amplified when police officers endeavor to trespass into a private home. The police trespass into Ms. Striks's home must be regarded as an unconstitutional trespass into any of our private homes.

This case involves substantial constitutional questions, as well as questions of public or great general interest. For all the above reasons, Ms. Striks respectfully requests the Court to accept jurisdiction and reverse the decision of the court of appeals.

Respectfully submitted,

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I certify that a copy of the foregoing Memorandum in Support of Jurisdiction of Appellant

Julie R. Striks was sent by regular U.S. mail, postage prepaid to:

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/s/ Francisco E. Lüttecke

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#442966

IN THE SUPREME COURT OF OHIO

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