

break. The manager informed him that there were two employees on break. The first employee was someone with whom Coldiron was familiar, so he knew that employee was not the suspect. The second employee was T.C. When T.C. returned to the store at the end of his break, Coldiron recognized him as the person who had run from him, and arrested him for obstructing official business. After a bench trial to a magistrate, T.C. was adjudicated delinquent for obstructing official business.

T.C. appeals alleging three assignments of error. In his first assignment of error, T.C. argues that the trial court erred when it denied his motion to suppress. In his second assignment of error, T.C. argues that his adjudication for obstructing official business was based upon insufficient evidence. In this third assignment of error, he argues that his adjudication was contrary to the manifest weight of the evidence. All three arguments are premised on the contention that Coldiron had not engaged in a valid *Terry* stop when he first encountered T.C., and therefore, T.C. had been free to leave the scene. T.C. concedes that if Officer Coldiron was attempting to engage in a valid *Terry* stop, his flight from that stop could justify the charge of obstructing official business.

Under *Terry*, a police officer may constitutionally stop or detain an individual without probable cause when the officer has a reasonable suspicion, based on specific, articulable facts, that criminal activity is afoot. *Terry v. Ohio*, 392 U.S. 1, 21, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968); *State v. Franklin*, 86 Ohio App.3d 101, 619 N.E.2d 1182 (1st Dist.1983). Accordingly, “[a]n investigative stop does not violate the Fourth Amendment to the United States Constitution if the police have reasonable suspicion that ‘the person stopped is, or is about to be, engaged in criminal activity.’” *State v. Jordan*, 104 Ohio St.3d 21, 2004-Ohio-6085, 817 N.E.2d 864, ¶ 35, quoting *United States v. Cortez*, 449 U.S. 411, 417, 101 S.Ct. 690, 66 L.Ed.2d 621 (1981). “Reasonable suspicion entails some minimal level of objective justification, ‘that is, something more than an inchoate and unparticularized

suspicion or ‘hunch,’ but less than the level of suspicion required for probable cause.’” *State v. Jones*, 188 Ohio App.3d 628, 2010-Ohio-2854, 936 N.E.2d 529, ¶ 17 (10th Dist.), quoting *State v. Jones*, 70 Ohio App.3d 554, 556-557, 591 N.E.2d 810 (2d Dist.1990).

Officer Coldiron testified that, when responding to a call for a theft from the Kroger store, he learned the description of the suspect. He then learned from another officer that a second person may have been involved. When he approached the area through which the two were supposed to have fled, he encountered a man who was depositing items in a Goodwill bin. That man told him that he had seen two men run through. The first man, for whom Coldiron had a description, had jumped over a fence. The second man had been wearing all black and carrying a backpack and had fled toward the McDonalds. Coldiron then saw T.C., wearing all black and carrying a backpack, coming from the area of the McDonalds. This course of events lead Coldiron to determine that T.C. could have been involved in the theft.

It is well settled that “[t]he propriety of an investigative stop by a police officer must be viewed in light of the totality of the surrounding circumstances.” *State v. Bobo*, 37 Ohio St.3d 177, 524 N.E.2d 489 (1988), paragraph one of the syllabus. The circumstances described above, taken as a whole, created a reasonable suspicion that T.C. was engaged in illegal activity.

Since Coldiron had justification to stop T.C. pursuant to *Terry*, he had probable cause to arrest him for obstructing official business when he refused to stop after being ordered to do so. In general, the offense of obstructing official business requires the doing of some affirmative act by the defendant. *State v. Wellman*, 173 Ohio App.3d 494, 2007-Ohio-2953, 879 N.E.2d 215, ¶ 10 (1st Dist.); *State v. King*, 3d Dist. Marion No. 9-06-18, 2007-Ohio-335, ¶ 58. This court has held that fleeing from an attempted *Terry* stop is an act that violates R.C. 2921.23. *State v. Lohaus*, 1st Dist. Hamilton No. C-020444, 2003-Ohio-777, ¶ 12. When T.C. continued to flee

after being ordered to stop, Coldiron had probable cause to arrest him for obstructing official business.

We conclude that the trial court properly denied T.C.'s motion to suppress, and we overrule his first assignment of error. Because, after viewing the evidence in the light most favorable to the state, any rational trier of fact could have found all the essential elements of the crime proved beyond a reasonable doubt, T.C.'s adjudication was based upon sufficient evidence. *See State v. Jenks*, 61 Ohio St.3d 259, 574 N.E.2d 492 (1991), paragraph two of the syllabus. And after reviewing the entire record, weighing the evidence, and considering the credibility of the witnesses, we conclude that the trial court did not lose its way and commit a manifest miscarriage of justice by adjudicating T.C. delinquent for obstructing official business. *See State v. Thompkins*, 78 Ohio St.3d 380, 387, 678 N.E.2d 541 (1997). We therefore overrule his second and third assignments of error. The judgment of the trial court is affirmed.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

ZAYAS, P.J., MYERS and DETERS, JJ.

To the clerk:

Enter upon the journal of the court on August 10, 2018

per order of the court _____.

Presiding Judge