

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

STATE OF OHIO,	:	APPEAL NO. C-080135
Plaintiff-Appellee,	:	TRIAL NO. B-0708309
vs.	:	<i>JUDGMENT ENTRY.</i>
BESIK LOLADZE,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar. This judgment entry is not an opinion of the court.¹

Defendant-appellant Besik Loladze, a citizen of the Georgian republic, was apprehended for shoplifting over \$400 in clothing from a Dillard’s department store. Police officers applied for a warrant to search his van, then located in the store parking lot.

Raising a single assignment of error, Loladze now contests the trial court’s entry overruling his motion to suppress the evidence gained from a search of his van, including over \$6,000 in stolen goods and booster bags, aluminum bags used to secret stolen items and to defeat theft-deterrent sensors. Loladze contends that the affidavit submitted in support of the warrant failed to establish a sufficient nexus between his criminal conduct and the contents of the van.

After the trial court denied the motion to suppress, Loladze entered a plea of no contest to receiving stolen property and possessing criminal tools, both felony offenses.

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

The trial court personally addressed Loladze and informed him of the constitutional consequences and of the deportation, exclusion, and denial-of-naturalization consequences for a noncitizen offender entering a no-contest plea.² The court then accepted the plea, found Loladze guilty, imposed a ten-month prison sentence for each offense, and ordered that the sentences be served concurrently.

“A [magistrate’s] probable-cause determination must be ‘a practical, common-sense decision’ based upon the totality of the circumstances that there is a ‘fair probability’ that the contraband or evidence of a crime will be found in a particular place.”³ As a reviewing court, we must accord great deference to the magistrate’s probable-cause determination, and we should resolve even doubtful or marginal cases in favor of upholding the warrant.⁴

Here, the affidavit in support of the search warrant informed the magistrate that Loladze had been seized for shoplifting, that he had received several phone calls from a New York phone number after his arrest, that he had been in possession of keys that operated a van with New York license plates, and that investigating officers had seen clothing with store price tags attached hanging inside the van.

Since “probable cause can be, and often is, inferred by ‘considering the type of crime, the nature of the items sought, the suspect’s opportunity for concealment and normal inferences about where the criminal might hide stolen property,’”⁵ we overrule the

² See Crim.R. 11(C); see, also, R.C. 2943.031; *State v. Yanez*, 150 Ohio App.3d 510, 2002-Ohio-7076, 782 N.E.2d 146.

³ *State v. England*, 1st Dist. No. C-040253, 2005-Ohio-375, ¶6, quoting *Illinois v. Gates* (1983), 462 U.S. 213, 238, 103 S.Ct. 2317.

⁴ See *State v. George* (1989), 45 Ohio St.3d 325, 544 N.E.2d 640, paragraph two of the syllabus; see, also, *State v. England* at ¶7.

⁵ *State v. England* at ¶10 (internal citations omitted).

OHIO FIRST DISTRICT COURT OF APPEALS

assignment of error. The affidavit provided the magistrate with a substantial basis for concluding that evidence of Loladze's crimes would be found in the van.⁶

Therefore, the trial court's judgment is affirmed.

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

SUNDERMANN, P.J., PAINTER and CUNNINGHAM, JJ.

To the Clerk:

Enter upon the Journal of the Court on March 4, 2009
per order of the Court _____.

Presiding Judge

⁶ See *State v. George*, paragraphs one and two of the syllabus; see, also, *State v. England* at ¶17.