

STATE OF OHIO) IN THE COURT OF COMMON PLEAS
) SS:
COUNTY OF CUYAHOGA) CASE NO. CR 572699-A

STATE OF OHIO,)
)
)
Plaintiff)
)
vs.)
)
QUANDRELL PORTER,)
)
)
Defendants)

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

SHIRLEY STRICKLAND SAFFOLD, JUDGE:

I. FINDINGS OF FACT

On or about March 18, 2013, the Defendant, Quandrell Porter (hereinafter “Defendant”), was interviewed by Investigators from the Cuyahoga County Prosecutor’s Office, Michael J. O’Malley and Shane Scott.

The investigators explained to the Defendant their purpose for interviewing him and that they were investigating a rape in the city of Cleveland. Next, the investigators explained to the Defendant his constitutional rights, including his right to remain silent, the consequences of waiving that right, his right to have an attorney present during questioning, and his right to have an attorney appointed if he could not afford to hire one. Defendant acknowledged understanding his rights and agreed to speak with the investigators.

During the interview, the Defendant was shown a photograph of the victim in this matter, and he denied knowing her or engaging in any sexual activity with her. When Investigator O’Malley told Defendant that he intended to obtain a buccal swab pursuant to a search warrant, the Defendant stated, “I think I should have a lawyer though.” At that point, the investigators ended

their questioning of the Defendant and attempted to obtain the buccal swab. Defendant, however, continued to make unsolicited statements to the investigators despite having requested an attorney.

II. CONCLUSIONS OF LAW

Defendant was properly advised of his Miranda rights by the investigators and he acknowledged his understanding of these rights both verbally and in writing. It is clear from the totality of the circumstances that the Defendant waived his Miranda rights voluntarily, knowingly, and intelligently. Defendant's statements to the investigators were legally obtained and are not subject to suppression.

The Motion of the Defendant is hereby denied.

IT IS SO ORDERED.

Date

Judge Shirley Strickland Saffold

Notice of Service

A copy of the foregoing OPINION was forwarded this _____ day of October, 2013

by regular United States mail to:

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