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website stats reveal some 26 million hits since 2012. Tel: (216) 659-0473. Email: editor@clevelandurbannews.com. Kathy Wray Coleman, editor-in-chief, and who trained for 17 years at the Call and Post Newspaper in Cleveland, Ohio. We interviewed former president Barack Obama one-on-one when he was campaigning for president. As to the Obama interview,

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CLEVELAND URBAN NEWS.COM-COLUMBUS, Ohio — The Ohio Supreme Court, on Tuesday, upheld the use of evidence obtained by police who enter a residence unannounced while executing a search warrant, distinguishing between entering property unannounced with a search warrant and entering property unannounced without a search warrant, the latter of which remains illegal and a violation of the 4th amendment. (

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Written by Kathy
Tuesday, 10 October 2017 23:38

THE CASE

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At issue was a 2012 search in suburban Youngstown, a city some 60 miles southeast of Cleveland and in the county seat of Mahoning County that is roughly 45 percent Black, and a drug investigation where police broke down the house door where two suspects resided and did not announce they had a search warrant.

The court said in its 6-1 decision in State vs Bemby that the "knock-and-announce" principle is applicable only in situations where police illegally enter a property without a search warrant and the affiliated protections do not extend to situations in which police, with a search warrant, barge into the residence of a suspect unannounced.

The court's ruling reverses the 7th District Court of Appeals that granted a motion to suppress evidence in the case based upon the defendants' argument that the home intrusion by Boardman police violated the 4th Amendment.

Their attorneys argued that the evidence obtained by police in that raid, in fact violated the 4th amendment's protection against illegal search and seizure.

Ohio's high court disagreed.

Writing for the majority, Justice William O'Neil, said in the courts opinion that evidence secured even when police break into a property unannounced is admissible if police have a search warrant, a blow to the Black community that is constantly dealing with police excessive force matters and other undemocratic measures.

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O'Neil said that the law is well-settled that the exclusionary rule does not apply to violations of the "knock-and-announce rule. "

The seven- member high court is all White and majority Republican, Justice O'Neil the only Democrat among six Republicans in a court led by Chief Justice Maureen O'Connor, a former lieut. governor.

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