[Cite as *State v. Amara*, 2026-Ohio-4721.]

COURT OF APPEALS OF OHIO

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

STATE OF OHIO,	:	
Plaintiff-Appellant,	:	No. 116545
v.	:	
DA RELL AMARA, SR.,	:	
Defendant-Appellee.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: REVERSED AND REMANDED
RELEASED AND JOURNALIZED: November 25, 2026

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-25-704153-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Michael Timms, Assistant Prosecuting Attorney, *for appellant*.

Da Rell Amara, Sr., *pro se*.

LISA B. FORBES, P.J.:

{¶ 1} The State of Ohio appeals the trial court's granting Da Rell Amara, Sr.'s ("Amara") motion to suppress evidence. After reviewing the facts of the case and pertinent law, we reverse the trial court's decision and remand this case for further proceedings consistent with this opinion.

I. Facts and Procedural History

{¶ 2} On July 28, 2025, Amara, his wife and their three children were at a local beach within the Cleveland Metroparks. A weather alert was issued due to an approaching thunderstorm, and lifeguards told Amara and his family they had to leave the beach because it was closing. Amara refused to leave, and the lifeguards called the Cleveland Metroparks Police Department. Detective Jessica Vajusi ("Det. Vajusi"), who was a patrol officer at the time, responded to the call. Det. Vajusi approached Amara and told him the beach was closing due to the weather and he needed to leave. Amara claimed to be a "4th Amendment citizen" with "diplomatic immunity," told Det. Vajusi that the laws did not apply to him, and refused to leave.

{¶ 3} Det. Vajusi called for backup, and Cleveland Metroparks Police Officer Joseph Duong ("Off. Duong") arrived at the scene. Amara and his family gathered their belongings and walked toward the officers. Amara again asserted that he did not have to comply with the law and became aggressive toward both police officers. Ultimately, Amara was arrested on the scene. This incident was recorded on both officers' body cameras.

{¶ 4} On July 31, 2025, the Cleveland Metroparks Police Department filed a complaint charging Amara with resisting arrest, assault of a police officer, and obstructing official business. The "Synopsis of Offense" from the complaint reads as follows:

> On July 28, 2025 at 5:28 PM officers responded to Euclid Beach due to a male and his family refusing to leave the beach area after being given

> commands by lifeguards due to an impending thunderstorm. The male, later identified as Da Rell De Andre Amara, claimed to be a "4th amendment citizen" and a non-citizen national, refused to provide ID, and insisted laws did not apply to him. He repeatedly ignored lawful orders, advanced toward officers, and attempted to bypass them while holding a child. After multiple warnings, Amara pushed past officers, struck an officer[']s arm and continued to ignore commands until being taken to the ground and handcuffed . . . .

{¶ 5} On August 6, 2025, the State indicted Amara for assault of a peace officer, a fourth-degree felony in violation of R.C. 2903.13(A), obstructing official business, a fifth-degree felony in violation of R.C. 2921.31(A), resisting arrest, a first-degree misdemeanor in violation of R.C. 2921.33(B), and three counts of child endangerment, a first-degree misdemeanor in violation of R.C. 2919.22(A).

{¶ 6} On February 6, 2026, Amara filed a motion to suppress all of the evidence against him, arguing that his detention and arrest were unlawful because there was no reasonable suspicion or probable cause that he was committing or had committed a crime. The court held a hearing on this motion on May 11, 2026, at which both officers testified, and both body-camera videos were offered, introduced, and entered into evidence. On May 13, 2026, the court went on the record, made several findings of fact, granted Amara's motion, and indicated that a written decision would be issued in the next several days.

{¶ 7} The court then attempted to commence trial, which was scheduled for the same day. The State indicated it intended to appeal the court's decision granting the motion to suppress, and, pursuant to Crim.R. 12(K), it needed to wait for the court to issue the judgment entry memorializing what occurred in open court. The

court again attempted to commence trial, and the State again indicated it was going to appeal the court's decision. The court then asked the State if it was dismissing the case with or without prejudice. The State, for the third time, indicated it would appeal the court's decision.

{¶ 8} On May 22, 2026, the court issued a journal entry granting Amara's motion to suppress. The State appeals, raising one assignment of error for our review:

The trial court erred suppressing the evidence.

II. Suppression-Hearing Testimony

{¶ 9} Det. Vajusi testified that she was working as a patrol officer on July 28, 2025, when she got a call from the lifeguards in the Euclid Beach area that a male was not leaving the beach after being told to leave because of an approaching thunderstorm. According to Det. Vajusi, the lifeguards closed the beach as a safety precaution after a severe thunderstorm warning was issued. When she arrived at the beach, a man later identified as Amara was there with his wife and three children. Det. Vajusi approached Amara and told him, "Due to emergency closing hours," he needed to leave the beach.

{¶ 10} According to Det. Vajusi, Amara "explained that he's a 4th Amendment citizen, and statutory laws don't apply to him . . . ." Det. Vajusi testified that she did not know what that meant, but she told Amara that he could not stay at the beach. Amara tried again to explain "whatever he identified as" and then "he essentially just walked away." Det. Vajusi testified as follows about what happened

next: "I was not going to pursue it anymore. I was there by myself. I was waiting for backup. I asked him for his name. He told me his name. I asked him to spell it. He said he didn't have to give me his information and he walked away."

{¶ 11} According to Det. Vajusi, she asked Amara to leave twice, and he told her twice he was not going to leave. Then he did not, in fact, leave the beach. Det. Vajusi testified that Amara "was in violation of emergency closing hours and so in violating a crime I have the right to identify him in which he was not identifying himself . . . . Which at that point he was not free to leave." According to Det. Vajusi, Amara was detained until she "was able to identify him."

{¶ 12} Det. Vajusi identified the video of the incident from her body camera as an exhibit that was entered into evidence at the suppression hearing. After watching a brief portion of the video, Det. Vajusi testified that "[w]hen Officer Duong originally showed up, [Amara] became very irate . . . . Officer Duong kept trying to obtain [Amara's] information and he continued to object. He was becoming irate, aggressive, still holding his [toddler] son. Finally, he put his son down but continued to not give his information." Det. Vajusi further testified that Amara "kept approaching Officer Duong with his fists clenched, puffing out his chest. Those are signs of pre-attack indicators."

{¶ 13} Asked if Amara and his family "were going to leave the beach" when they walked toward the officers, Det. Vajusi stated, "I'm not sure what they intended to do." According to Det. Vajusi, Amara was not free to leave at that time because he was detained pending him identifying himself.

{¶ 14} Off. Duong testified that he received a call on July 28, 2025, "to respond to Euclid Beach to a report of a family refusing to leave for closing hours." Off. Duong identified the video of the incident recorded on his body camera that day, which was also entered into evidence. According to Off. Duong, when he arrived at the scene, Amara "was on the phone with [9-1-1] dispatch, trying to get somebody else to arrive . . ." and he and Det. Vajusi were still trying to identify who Amara was. When Off. Duong saw Amara strike Det. Vajusi after she tried to stop him from walking away, he "decided it was time to stop [Amara] because he had physically struck an officer." Off. Duong and another officer who had recently arrived at the scene after Amara called 9-1-1 for assistance took Amara to the ground and arrested him.

III. Trial Court's Journal Entry

{¶ 15} The trial court issued a journal entry on May 22, 2026, granting Amara's motion to suppress all evidence against him. In this journal entry, the court stated the following in footnote two: "The parties jointly submitted a summary and transcription of body camera footage of [Det. Vajusi]. The Court finds the transcription to be sufficiently accurate in comparison to the video evidence presented in these proceedings and therefore relies upon it for purposes of this Opinion."

{¶ 16} Our review of the record shows that this transcription was not filed in the trial court and is not part of the trial court record. Unlike the video itself, the transcription was not offered or admitted into evidence at the suppression hearing.

This court issued a journal entry on October 8, 2026, ordering the parties to supplement the appellate record with this transcription. Only the State responded to the order. The State filed a copy of what it thought was the transcription at issue, although it could not confirm the authenticity. Additionally, it does not appear that the transcription was "jointly submitted" to the trial court, as referenced in its May 22, 2026 journal entry. Specifically, in its notice of submission of the transcription on appeal, the State stated as follows:

> Appellant received this from the bailiff of the trial court who was aware of the order. This prosecutor was unable to confirm with the first chair trial prosecutor if this is correct since she has left the office. The second chair prosecutor was also unable to confirm. This prosecutor emailed this document to Appellee. This prosecutor and Appellee spoke on the phone. Appellee said that he never saw the document during the hearing and thus cannot confirm or deny that this is the "summary and transcription of body camera footage."

{¶ 17} At oral argument in this case, Amara confirmed that he never saw the transcription and the State conceded that it was not "jointly submitted" to the trial court. Furthermore, at oral argument, the State conceded that this transcription was generated by artificial intelligence. Additionally, it is unclear to this court who requested this transcription. Finally, our review of Det. Vajusi's body-camera video shows that the transcription is not complete, not entirely accurate, and, at times, incomprehensible. In light of the foregoing, we decline to use the transcription in resolving the issues raised on appeal.

{¶ 18} In its May 22, 2026 journal entry granting Amara's motion to suppress, the court made the following findings of fact and conclusions of law.

A. Trial Court's Findings of Fact

{¶ 19} Det. Vajusi told Amara he and his family had to leave the beach "due to emergency closing hours." Amara stated that the laws do not apply to him. When Det. Vajusi asked Amara for his name, "he provided it to her within the first minute of their conversation." When Det. Vajusi asked Amara to spell his name, he refused. Det. Vajusi "did not seek any further identifying information such as his address or date of birth from [Amara] at that time."

{¶ 20} Det. Vajusi testified that Amara "was not free to leave because he was not identifying himself and was not complying with emergency closing hours . . . ." Det. Vajusi "did not inform [Amara] that he was being detained."

{¶ 21} Shortly after the conversation between Det. Vajusi and Amara ended, Amara "and his family gathered their belongings and began walking toward the parking lot to exit the beach." Det. Vajusi can be heard on her body-camera video saying, "Now the real question is: how far . . . how far do I push this? Do I try to get his ID? Do I try to issue him a citation? Do I arrest him? [Because] that's eventually where it's going to lead or do I just let him leave?"

{¶ 22} When Off. Duong arrived, he "confronted" Amara, grabbing his arm and poking his chest. Amara "continued to attempt to leave the beach as he was holding one of his children but was impeded by [Det. Vajusi and Off. Duong] who physically attempted to stop him." Amara "shouted at the officers and told them to get out of his way and that, 'I'm coming after that badge right now.'"

{¶ 23} Amara called 9-1-1 "complaining of mistreatment when officers would not allow him and his family to leave the beach . . . ." Amara's wife was handcuffed and his children were "crying and becoming increasingly hysterical" while the storm struck and rain soaked everyone involved. "No officer on scene offered any cover, assistance or comfort to any of the despondent children as they sat in a thunderous downpour."

B. Conclusions of Law

{¶ 24} Believing that Amara had committed the offense of failure to comply with emergency closing hours of the beach, "an investigatory stop was warranted pursuant to *Terry*, 392 U.S. 1 (1968). [Det. Vajusi] asked [Amara] to provide his name and [Amara] complied." However, Det. Vajusi did not ask Amara for his date of birth or address. According to the trial court, therefore, Amara complied with R.C. 2921.29, which "specifies what is required of an individual when law enforcement reasonably suspects that a person is committing a crime."

{¶ 25} The trial court further found that "[s]ubsequent to [Amara] identifying himself, there was no valid reason to detain him for failure to provide identification." Failure to leave the beach is not an arrestable offense therefore, there was no probable cause to arrest Amara. Det. Vajusi "even pondered whether she should allow him to leave and was certainly aware that it was a viable option. Instead, officers chose to confront [Amara] and escalate the situation."

{¶ 26} The court further concluded that Amara "could not be validly detained for failure to identify himself, [and] there was no longer a reasonable

suspicion to stop him from leaving the beach." The court found that "there was no reasonable suspicion to stop" Amara, despite having previously found that the initial *Terry* stop was valid. According to the trial court, "it therefore follows that [Amara] was subject to an invalid search and arrest." The court further concluded that the officers "recognized that there was a viable option to allow [Amara] and his family to leave the beach . . . . Instead, the comments and actions of the officers portended an intent to escalate the confrontation with [Amara] resulting in the violation of [his] constitutional rights."

IV. Law and Analysis

A. Motion to Suppress

{¶ 27} In this appeal, the State argues that Amara's detention was lawful because he committed several crimes, which were recorded on the officers' body cameras, and the commission of the crimes amounted to probable cause to arrest. Therefore, according to the State, the court erred by granting Amara's motion to suppress. Amara, who is acting pro se in this appeal, argues that he complied with R.C. 2921.29 by disclosing his name to the officers, and once he "began leaving the beach, no reasonable suspicion of criminal activity justified [his] continued detention."

{¶ 28} "'It is well established that pro se litigants are presumed to have knowledge of the law and legal procedures and that they are held to the same standards as litigants who are represented by counsel.'" *State ex rel. Fuller v.*

Mengel, 2003-Ohio-6448, ¶ 10, quoting *Sabouri v. Ohio Dept. of Job & Family Servs.*, 145 Ohio App.3d 651, 654 (10th Dist. 2001).

{¶ 29} In *State v. Burnside*, 2003-Ohio-5372, ¶ 8, the Ohio Supreme Court set forth the standard of review concerning a ruling on a motion to suppress as follows:

> Appellate review of a motion to suppress presents a mixed question of law and fact. 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. *State v. Mills* (1992), 62 Ohio St.3d 357, 366, 582 N.E.2d 972. Consequently, an appellate court must accept the trial court's findings of fact if they are supported by competent, credible evidence. *State v. Fanning* (1982), 1 Ohio St.3d 19, 1 OR 57, 437 N.E.2d 583. Accepting 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. *State v. McNamara* (1997), 124 Ohio App.3d 706, 707 N.E.2d 539.

{¶ 30} The Fourth Amendment to the United States Constitution protects the "right of the people to be secure in their persons, house, papers, and effects, against unreasonable searches and seizures," and provides that "no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Ohio Const., art. I, § 14 has essentially identical language, also affording protection against unreasonable searches and seizures. *See State v. Robinette*, 80 Ohio St.3d 234, 245 (1997).

{¶ 31} Specific to seizures, police-citizen encounters can fall under one of three categories: consensual encounter; investigatory detention; and arrest. *State*

v. Jackson, 2022-Ohio-187, ¶ 31-36 (8th Dist.). Consensual encounters are "characterized by a citizen possessing a freedom of movement that allows them to stop the encounter by simply walking away." *State v. Moore*, 2010-Ohio-3305, ¶ 25 (8th Dist.). "Consensual encounters do not implicate Fourth Amendment guarantees because there is no restraint of liberty." *Id.*

{¶ 32} Investigatory detentions, otherwise known as "*Terry* stops," comprise the second category and they are defined as follows: "Under a *Terry* stop, a police officer, upon reasonable suspicion, can perform an investigatory detention that is limited in duration and purpose." *Jackson* at ¶ 35. During an investigatory detention, "an officer is entitled to ask questions to confirm his [or her] suspicions that criminal activity occurred. [A]n officer can ask for identification or sufficient information to write a citation or to run a background check for outstanding warrants, often called a 'field investigation.'" *State v. Millerton*, 2015-Ohio-34, ¶ 23 (2d Dist.). *See also State v. Andrews*, 57 Ohio St.3d 86, 89 (1991) (finding that a brief stop of the defendant while police determined his identity was reasonable). Whether there is reasonable suspicion to detain someone is based on an objective standard. *See Dayton v. Erickson*, 76 Ohio St.3d 3, 6 (1996) (holding that whether a stop is valid "requires an objective assessment of a police officer's actions in light of the facts and circumstances then known to the officer. . . . Thus, the question whether a Fourth Amendment violation occurred . . . depends upon an objective assessment of the officer's actions at the time of the . . . stop, and not upon the officer's actual (subjective) state of mind").

{¶ 33} The third category of police-citizen encounters is arrests, which are defined as follows: "(1) there was an intent to arrest; (2) under real or pretended authority; (3) accompanied by an actual or constructive seizure or detention; and (4) that is so understood by the person arrested." *Jackson* at ¶ 36. Arrests are lawful "if the arresting officer had probable cause to believe that the person committed a crime or was about to commit a crime." *Id.*

B. Analysis

{¶ 34} R.C. 2921.29(A), which governs "failure to disclose personal information," states that "[n]o person who is in a public place shall refuse to disclose the person's name, address, or date of birth, when requested by a law enforcement officer who reasonably suspects [that] [t]he person is committing, has committed, or is about to commit a criminal offense." A violation of R.C. 2921.29(A) provides probable cause to arrest a suspect. *See State v. Starcher*, 2013-Ohio-5533, ¶ 26 (7th Dist.); *McKee v. McCann*, 2017-Ohio-7181, ¶ 52 (8th Dist.).

{¶ 35} In *Hiibel v. Sixth Judicial Dist. Court*, 542 U.S. 177, 186 (2004), the United States Supreme Court held that "it is well established that an officer may ask a suspect to identify himself in the course of a *Terry* stop . . . ." *See also State v. Young*, 2018-Ohio-164, ¶ 12 (8th Dist.) ("Courts have recognized that police may ask a suspect for identification during an investigatory stop to check for warrants."). In *Hiibel*, the Court stated that "stop and identify statutes," such as R.C. 2921.29(A) here in Ohio, "are a routine and accepted part of many *Terry* stops." *Hiibel* at 186. Identification of a suspect "serves important government interests. Knowledge of

identity may inform an officer that a suspect is wanted for another offense, or has a record of violence or mental disorder." *Id.*

{¶ 36} We agree with the trial court's finding that this case involves a proper *Terry* stop or investigatory detention. Amara failed to leave the beach after being told to do so by the lifeguards and the police. The trial court found, and no party disputes, "that failure to comply with emergency closure hours is a minor misdemeanor subject to a citation and fine." Additionally, Amara violated R.C. 2911.21(A)(4), which governs criminal trespassing, by failing to leave the beach after being told by the authorities to leave the beach. This offense is a fourth-degree misdemeanor, which is an arrestable offense. According to the State, Amara also violated Cleveland Metroparks Code of Ordinances 509.06(b), which governs the emergency closing hours of parks; Cleveland Codified Ordinances 605.071(A)(1) and (4), which governs improper use of 9-1-1 telephone system; menacing by threatening to break Off. Duong's jaw; and assault by striking Det. Vajusi.

{¶ 37} We start our analysis with the court's finding that Amara complied with R.C. 2921.29(A). This finding is not supported by competent credible evidence in the record. We next address the court's legal conclusion that Amara "could not be validly detained for failure to identify himself" during the *Terry* stop. Upon review, we find that this legal conclusion is incorrect as a matter of law. *See Hiibel* at 186.

{¶ 38} Although Amara initially told Det. Vajusi his name, he refused to spell it and refused to cooperate further with anything she said, erroneously alleging that

the laws did not apply to him. The purpose of gathering identifying information from someone who is the subject of a valid *Terry* stop is to enable the officer to write a citation for a crime committed and check for outstanding warrants. *Young*, 2018-Ohio-164, at ¶ 12 (8th Dist.); *Millerton*, 2015-Ohio-34, at ¶ 23 (2d Dist.).

{¶ 39} A name, without the proper spelling and standing alone, does not always amount to enough information to properly identify someone. *See McKee*, 2017-Ohio-7181, at ¶ 21 (8th Dist.) (stating that a "request for 'ID'" is a request to identify oneself, which may, but does not have to, be accomplished by producing "a physical identification card"). To be sure, according to Amara's pro se appellate brief, his name is "Da Rell Amara, Sr.," but he did not include the "senior" when he spoke his name to Det. Vajusi, and his name in the Cleveland Metroparks Police Department complaint is "Da Rell De Andre Pickett Amara."

{¶ 40} The trial court's finding that Det. Vajusi did not ask Amara for his birth date or address is technically true, but that finding ignores context and background evidence showing that any request would have been in vain. Amara told Det. Vajusi that he did not have his I.D. with him, he refused to spell his name, he stated that he did not have a social security number (even though he does have a social security number and it is part of the record in this case), he stated that the laws do not apply to him and he did not need to give the police any information, he refused to leave the beach, and he walked away from Det. Vajusi while she was speaking to him.

{¶ 41} Furthermore, Amara claimed to have "diplomatic immunity" and to be a "4th Amendment citizen." Det. Vajusi got a notebook and pencil out, which was visible in her body-camera video. She asked if he had a name, and Amara answered her. Det. Vajusi's pencil was poised on her notebook, but she did not write anything. Rather, she asked Amara how to spell his name, and he replied, "You don't need any information from me." He then asked for Det. Vajusi's badge number. Amara repeatedly said he was a "4th Amendment citizen" and that the police do not have jurisdiction over him. Amara then walked away from Det. Vajusi and headed back toward his family. Det. Vajusi called for backup after it became clear that Amara had no intention of providing her with any meaningful information or leaving the beach.

{¶ 42} Off. Duong arrived at the scene approximately ten minutes later, and Det. Vajusi confirmed that Amara was refusing to provide identification to the officers. At this time, Amara, his wife, and their children walked toward both officers. As captured on Off. Duong's body-camera video, Amara, who was carrying his toddler son in his arms, yelled at the officers from yards away, and he was confrontational, belligerent, and aggressive. As he got closer to the officers, he said, "I see you guys talking," "You are not listening to me," and "I just told you if you come over here and talk to me again, it's a wrap." Amara asked the officers for their names and badge numbers. Both officers complied with Amara's demand and identified themselves and their badge numbers. Amara continuously refused to provide them with any personal identifying information and insisted that the laws

did not apply to him. Ultimately, he threatened to break Off. Duong's "f . . . ing jaw" and he had physical contact with both officers by puffing out his chest and walking straight into them.

{¶ 43} Not providing the spelling of his name, coupled with his repeated rantings that the laws do not apply to him, his refusal to provide identifying information such as an I.D. or his social security number, and his walking away from Det. Vajusi while she was speaking to him effectively resulted in Amara not complying with R.C. 2921.29's mandate that he disclose his identifying information to the officers. Additionally, he continuously refused to cooperate with the police or comply with their orders throughout this incident.

{¶ 44} All of this was recorded by both officers' body cameras, and it is corroborated by the initial Cleveland Metroparks Police Department complaint, as well as both officers' testimony at the suppression hearing.

{¶ 45} Accordingly, we find that the officers had probable cause to believe Amara violated R.C. 2921.29(A) because he failed to disclose enough personal information for the police to identify him. Therefore, the police's detention and arrest of Amara to determine his identity was lawful and did not violate the Fourth Amendment's prohibition of warrantless seizures. The court erred by suppressing the evidence in this case, and the State's sole assignment of error is sustained.

{¶ 46} Judgment reversed, and case remanded to the trial court for proceedings consistent with this opinion.

It is ordered that appellant recover from appellee costs herein taxed.

The court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this court directing the common pleas court to carry this judgment into execution.

A certified copy of this entry shall constitute the mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

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LISA B. FORBES, PRESIDING JUDGE

MICHAEL JOHN RYAN, J., and
KATHLEEN ANN KEOUGH, J., CONCUR