

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

STATE OF OHIO,	:	APPEAL NO. C-160794
	:	TRIAL NO. B-1504880
Plaintiff-Appellee,	:	
	:	<i>JUDGMENT ENTRY.</i>
vs.	:	
TERRY BENNETT,	:	
	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Terry Bennett was indicted for possession of, and trafficking in, heroin following the discovery of heroin in a key fob during a traffic stop. Bennett filed a motion to suppress the evidence discovered in the search, arguing that the key fob was outside the scope of the consent he gave to search his car. Following a hearing, the trial court denied the motion. Bennett then agreed to plead guilty to trafficking in heroin in exchange for the dismissal of the possession charge. He was sentenced by agreement to six months in prison, and ordered to pay court costs, restitution, and a fine. This appeal followed.

In his sole assignment of error, Bennett argues that the trial court erred in denying his motion to suppress because his consent to search his car did not extend to

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his key fob, which he contends was on his person. We are without jurisdiction to review this issue.

Bennett waived his right to appeal the trial court's ruling on his motion to suppress when he pled guilty to the charged offense. A guilty plea waives any claim of a constitutional violation that occurred prior to the entry of that plea. *Tollett v. Henderson*, 411 U.S. 258, 93 S.Ct. 1602, 36 L.Ed.2d 235 (1973). See *State v. Spates*, 64 Ohio St.3d 269, 595 N.E.2d 351 (1992); *State v. Morgan*, 1st Dist. Hamilton No. C-080011, 2009-Ohio-1370. Therefore, we overrule Bennett's sole assignment of error and affirm the trial court's judgment.

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.

MOCK, P.J., MYERS and MILLER, JJ.

To the clerk:

Enter upon the journal of the court on November 3, 2017

per order of the court _____.
Presiding Judge