



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

NOTICE OF APPEAL
January 14, 2025 14:31

By: OWEN KNAPP 0102561

Confirmation Nbr. 3377007

THE STATE OF OHIO

CR 24 689572-A

vs.

QEYEON TOLBERT

Judge: TIMOTHY MCCORMICK

Pages Filed: 10

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
CRIMINAL DIVISION

STATE OF OHIO	:	CASE NO. CR-24-689572-A
Plaintiff	:	
	:	
vs.	:	JUDGE TIMOTHY MCCORMICK
	:	JUDGE RICHARD McMONAGLE
	:	SITTING BY ASSIGNMENT
	:	
QEYEON TOLBERT	:	<u>NOTICE OF APPEAL</u>
Defendant	:	

Now comes Michael C. O'Malley, Prosecuting Attorney of Cuyahoga County, by and through his undersigned assistant and on behalf of the State of Ohio and respectfully give Notice of Appeal to the Court of Appeals for Cuyahoga County (Eight Judicial District) from the judgment of the Court of Common Pleas for Cuyahoga County, Ohio filed January 9, 2025 granting Defendant's Motion to Suppress. This appeal is taken as of right pursuant to Ohio Criminal Rule 12(K).

Said appeal is a question of law.

Respectfully submitted,

MICHAEL C. O'MALLEY
Cuyahoga County Prosecutor

/s/ Owen W. Knapp
Owen W. Knapp (#0102561)
Assistant Cuyahoga County Prosecutor
The Justice Center, 8th Floor
1200 Ontario Street
Cleveland, Ohio 44113
Phone: (216) 443-8870
oknapp@prosecutor.cuyahogacounty.us

SERVICE

I hereby certify that copy of the foregoing Notice of Appeal will be served upon the Chief Public Defender and attorney for Defendant, Brian Fallon on 14 January 2025:

/s/ Owen W. Knapp
BY: Owen W. Knapp # 0102561
Assistant Prosecuting Attorney

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO
CRIMINAL DIVISION

STATE OF OHIO	:	CASE NO. CR-24-689572-A
Plaintiff	:	
	:	
vs.	:	JUDGE TIMOTHY MCCORMICK
	:	JUDGE RICHARD McMONAGLE
	:	SITTING BY ASSIGNMENT
	:	
QEYEON TOLBERT	:	<u>CERTIFICATION OF</u>
Defendant	:	<u>PROSECUTING ATTORNEY</u>
	:	<u>PURSUANT TO OHIO</u>
	:	<u>CRIM.R. 12(K)</u>

Now comes Michael C. O'Malley, Prosecuting Attorney of Cuyahoga County, by and through his undersigned assistant and on behalf of the State of Ohio and respectfully certifies to the Court that this appeal is not taken for the purpose of delay but on the contrary, that the Court's granting of the Defendant's Motion to Suppress so weakened the State's case as to have destroyed any reasonable possibility of effectively prosecuting the charge.

Respectfully submitted,

MICHAEL C. O'MALLEY
Cuyahoga County Prosecutor

/s/ Owen W. Knapp

BY: Owen W. Knapp (#0102561)

/s/ Christine M. Vacha

BY: Christine M. Vacha (#0089457)

Assistant Cuyahoga County Prosecutors

The Justice Center, 8th Floor

1200 Ontario Street

Cleveland, Ohio 44113

Phone: (216) 443-8870

oknapp@prosecutor.cuyahogacounty.us

SERVICE

I hereby certify that copy of the foregoing Certification pursuant to Ohio Crim.R. 12(K) will be served upon the Chief Public Defender and attorney for Defendant, Brian Fallon on 14 January 2025:

 /s/ Owen W. Knapp
BY: Owen W. Knapp # 0102561
Assistant Prosecuting Attorney



190749131

IN THE COURT OF COMMON PLEAS CUYAHOGA COUNTY, OHIO

THE STATE OF OHIO
Plaintiff

QEYEON TOLBERT
Defendant

Case No: CR-24-689572-A

Judge: TIMOTHY MCCORMICK

INDICT: 2903.01 AGGRAVATED MURDER /FRM1 /F18
/FRM3 /FR54 /RVOS /FORS
2903.02 MURDER /FRM1 /F18 /FRM3 /FR54 /NPC
/RVOS /FORS
2903.02 MURDER /FRM1 /F18 /FRM3 /FR54 /NPC
/RVOS /FORS
ADDITIONAL COUNTS...

JOURNAL ENTRY


DEFENDANT IN COURT. COUNSEL BRIAN M FALLON AND DAN TIRFAGNEHU PRESENT.
PROSECUTOR(S) CHRISTINE VACHA AND MAGGIE GRAHAM PRESENT.
COURT REPORTER MELISSA PENA PRESENT.

HEARING HELD ON DEFENDANT'S MOTION TO SUPPRESS SEARCH WARRANT AND ALL EVIDENCE COLLECTED.

THE MOTION TO SUPPRESS IS GRANTED. ALL EVIDENCE RESULTING FROM THE EXECUTION OF THE WARRANT IS EXCLUDED.

THIS ENTRY TAKEN BY JUDGE RICHARD J MCMONAGLE.

01/09/2025
CPEFF 01/09/2025 12:16:16

 1/9/25

Judge Signature Date

FILED
2025 JAN -9 P 4: 09
CLERK OF COURTS
CUYAHOGA COUNTY

**EIGHTH DISTRICT COURT OF APPEALS
LOCAL APPELLATE RULE 9
Praecipe and Docketing Statement**

Name of Trial Court: Common Pleas, Cuyahoga County

Case Caption: STATE OF OHIO

Plaintiff,

vs.

QEYEON TOLBERT

Defendant

Trial Court Case Number: CR-24-689572-A

Trial Court Judge: TIMOTHY MCCORMICK

Date of judgment appealed: 01/09/2025

The notice of appeal was filed in compliance with:

- App.R. 4(A) (within 30 days); or
 App.R. 4(B) (time extended); or
 App.R. 5 (delayed appeal)

A. PRAECIPE: REQUESTING THE RECORD

TO THE CLERK OF THE TRIAL COURT:

1. By checking this box, appellant requests that the clerk of the trial court immediately prepare and assemble the original papers and exhibits filed in the trial court and a certified copy of docket and journal entries under App.R. 9(A). **(If appellant only selects this box, appellant acknowledges that no transcript is required to be prepared.)**
2. Check this box if you seek the record in this appeal to include one of the following listed below that is necessary for the resolution of the appeal. **(Please select only one of the following below.)**
 - a. Complete transcript under App.R. 9(B). (Note: the appellant must instruct the court reporter to prepare the transcript.*)
 - b. Partial transcript under App.R. 9(B). (Note: the appellant must instruct the court reporter to prepare the transcript.*)
 - c. Statement of evidence or proceedings under App.R. 9(C).
 - d. Agreed statement under App.R. 9(D).

B. CALENDAR

Choose the appropriate calendar designation for this case. **Check only one of the following:**

Regular Calendar

This is the appropriate selection if **any** of the following apply:

- Transcript and all other evidentiary materials are more than one hundred pages;
- A brief in excess of 15 pages is necessary to argue the issues adequately;
- Appeal concerns unique issues of law that will be of substantial precedential value in determining similar cases;
- Appeal concerns multiple or complex issues; or
- Do not want accelerated calendar.

Accelerated Calendar (See LocApp.R. 11.1)

An appeal may be assigned to the accelerated calendar if (1) no transcript is required, or (2) the transcript and all other evidentiary materials consist of 100 or fewer pages. If any of the criteria listed above for regular calendar applies, the appeal will not be assigned to the accelerated calendar.

Expedited Calendar (See App.R. 11.2)

This is the appropriate selection if any of the following apply. Please designate the specific category below:

- Abortion-related appeal from juvenile court
- Adoption or parental rights appeal (includes award of temporary custody to the agency)
- Dependent, abused, neglected, unruly or delinquent child appeal
- Prosecutorial appeal from suppression order
- Denial of a bail bond as provided in R.C. 2937.222(D)
- Election contests as provided in R.C. 3515.08
- Marsy's law appeal as provided in R.C. 2930.19(A)
- Other: _____

* **Note:** If requesting a transcript from the Cuyahoga County Common Pleas, General Division, you must send a copy of the praecipe to CPREPAPPCOMM@cuyahogacounty.us.

For all other courts, contact the trial court or consult the trial court's website. You may have to file a motion with the trial court to obtain a transcript.

C. GENERAL INFORMATION

1. Was a stay requested in the trial court? Yes No (*See App.R. 7 and App.R. 8*)
If a stay was requested, how did the trial court rule?
 Granted Denied Pending

2. If this case has previously been before this Court, list prior appellate case number(s):

3. List case names and numbers of cases pending in this court that involve the same transaction or controversy involved in this appeal: _____

4. Probable issues for appeal (if known): Granting of Defendant's Motion to Suppress

5. Have you attached a time-stamped copy of the final judgment being appealed as required under Loc.App.R. 3(B)? Yes

6. Have you been declared a vexatious litigator? Yes No
If yes, did you comply with R.C. 2323.52(F)(2) and seek leave to file?
 Yes No

7. Is this an appeal from a decision pertaining to an expungement or civil stalking protection order? Yes No

D. CRIMINAL CASE

(If this is an appeal from a civil case, skip ahead to SECTION E. If a criminal case, complete this section and then skip to the signature block.)

1. Does the sentencing order contain the following **four requirements**:
 - fact of conviction for **each** count;
 - separate sentence for **each** convicted count;
 - signature of trial court judge; and
 - **file stamp of the clerk of court?** Yes No

2. If a co-defendant(s) was indicted and convicted under the same complaint, list the name(s) of co-defendant(s):

3. Type of Appeal (**Select only one of the following**):

- Defendant's Appeal as of Right State's Appeal as of Right
 Defendant's Delayed Appeal by Leave of Court (*See App.R. 5(A)*)
 State's Appeal by Leave of Court (*See App.R. 5(B)*)
 Interlocutory Appeal pursuant to R.C. 2930.19

NOTICE TO PROSECUTOR: If this appeal implicates Marsy's law, the prosecutor must notify the victim(s) if required by law. *See R.C. 2930.15 and 2930.19.*

E. CIVIL CASE

1. Specify the type of action in the trial court (e.g., administrative appeal; contract; declaratory judgment; domestic relations; juvenile; medical malpractice; personal injury; probate; etc.):

2. Is the order appealed from a final appealable order:

- a. Did the judgment dispose of all claims by and against all parties?

Yes No

- b. If not, is there a determination that there is "no just reason for delay" per Civ.R. 54(B)?

Yes No

- c. If you are appealing an interlocutory order, specify what authority (e.g., specific provision under R.C. 2505.02, other statute, or case law) that gives this court jurisdiction to hear the appeal: _____
