

MEDIA RELEASE

CASE: State of Ohio v. Gregory P. Gellenbeck

CASE NO: Fayette CA2008-08-030

PANEL: Presiding Judge H.J. Bressler, Judges Stephen W. Powell and William W. Young

JUDGMENT: Affirmed

TRIAL COURT: Washington C.H. Municipal Court

ATTORNEYS: Pitstick Law Office, Mark J. Pitstick, 224 North Fayette Street, Washington C.H., OH 43140, for plaintiff-appellee

Gregory P. Gellenbeck, 423 Aspen Ridge, Lebanon, OH 45036-8254, defendant-appellant, pro se

The Twelfth District Court of Appeals has affirmed the speeding conviction in the Washington Court House Municipal Court of a Lebanon, Ohio man.

On July 6, 2008, Gregory P. Gellenbeck was driving southbound on Interstate 71; a state trooper was driving northbound on Interstate 71. The trooper visually observed Gellenbeck driving over the posted 65 m.p.h. speed limit and estimated Gellenbeck was driving at 80 m.p.h. The trooper activated his Python radar, which was mounted in his patrol car, and clocked Gellenbeck driving at 83 and 84 m.p.h. Gellenbeck was cited for speeding. On August 6, 2008, based upon the trooper's visual observation of Gellenbeck's speed and the Python radar readings, the trial court convicted Gellenbeck of speeding.

On appeal, Gellenbeck argued that the trial court improperly relied on the trooper's visual observation of his speed and the Python radar readings to convict him of speeding.

Writing a unanimous opinion for the court, Judge William W. Young upheld Gellenbeck's conviction. Judge Young stated that the trial court properly relied on the trooper's visual observation and the Python radar readings to convict Gellenbeck of speeding. Presiding Judge H.J. Bressler and Judge Stephen W. Powell concurred in the opinion.

The Twelfth District Court of Appeals affirmed the trial court's decision.

SIGN-OFF SHEET

STATE OF OHIO, :
Plaintiff-Appellee, : Case No. FAYETTE CA2008-08-030
- vs - :
GREGORY P. GELLENBECK, :
Defendant-Appellant. :

PANEL: BRESSLER, P.J., POWELL and YOUNG, JJ.
ASSIGNED TO: YOUNG, J.
SUBMITTED: FEBRUARY 9 2009

THE DECISION/OPINION REFERRED TO HEREIN IS APPROVED FOR RELEASE.

(Please sign and date)

WRITTEN & MEDIA RELEASE
APPROVED BY: _____

CONCURRED IN BY: _____

DISSENTED IN BY: _____

HAVE SEEN: _____
RPR RAH _____

(Please initial and date.)

SAID DECISION IS READY FOR RELEASE.

(Please sign and date.)

ADMINISTRATOR: _____