

CLIFTON JACKSON AFFIDAVIT AND APPENDIX OF EXHIBITS ARE NUMBERED [first two cover pages of affidavit unnumbered, [ii]-[xiii]] IN ROMAN NUMERAL. EXHIBIT PAGES ARE CROSS REFERENCED AS APPENDIX [Appendix Pages are numbered 1-655] PAGES. AFFIDAVIT AND EXHIBITS ARE IN SUPPORT OF 26B MOTION TO REOPEN STATE OF OHIO v. CLIFTON JACKSON, CASE NO. 11CR083104, NINTH DISTRICT COURT OF APPEALS CASE NO. 14CA010555, Not Limited Too.

EXHIBIT

O

EXHIBITS A-AAAE IN SUPPORT OF CLIFTON JACKSON ENCLOSED AFFIDAVIT AND APPENDIX PREPARED MARCH OF 2016 OF A DETAILED TIME LINE OF FACTUAL EVENTS BETWEEN JUNE 14th, 2011 AND OCTOBER OF 2015 TO THE BEST OF MY LAYMEN LEGAL ABILITIES.
THIS EXHIBIT "O" IS REFERENCED IN ¶ 65 not limited too.

IN THE COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

STATE OF OHIO,)	CASE NO. 11CRO83104
)	
Plaintiff,)	JUDGE EDWARD M. ZALESKI
)	
v.)	
)	
CLIFTON JACKSON,)	
)	
Defendant.)	

This matter came before the Court on the Motion to Suppress filed by Defendant, Clifton Jackson. After considering the evidence and the briefs filed by the parties, Defendants' Motion to Suppress is denied.

On June 14, 2011, Defendant, Clifton Jackson, was driving a silver Toyota Camry with Pennsylvania license plates near milepost 135, on the Ohio turnpike, in Lorain County, Ohio. Trooper Christopher Beyer of the Ohio State Highway Patrol testified that he observed the Defendant driving 2-3 car lengths behind a motor home at approximately 60-65mph. At 8:40AM, Trooper Beyer initiated a traffic stop and requested Defendant's driver's license, registration and proof of insurance. The Defendant produced a New York driver's license, but stated that the vehicle was rented for him by his cousin. Defendant then produced a rental agreement in the name of "Latriece Thomas" The Defendant told Trooper Beyer that his girlfriend's name is "Latriece Thomas".

At 8:42AM, Trooper Beyer returned to his vehicle and requested the assistance of a drug dog detection officer and K9. At 8:46AM, Trooper Michael Trader, arrived with his trained drug detecting K9 Argo. At 8:48AM, while the Defendant was in the police cruiser and a check was being run on the rental agreement, the drug dog alerted on the presence of narcotics in the vehicle by scratching the left rear door. Following an initial denial, Defendant ultimately confirmed that everything in the vehicle belonged to him.

Troopers searched the vehicle and, in the trunk, located a large orange duffel bag containing 2,274 grams of cocaine. Defendant was placed under arrest and searched. The search of Defendant yielded \$1,262 dollars in U.S. currency.

To perform a routine traffic stop, an officer must have a reasonable, articulable suspicion of criminal activity. *Terry v. Ohio*, (1968), 392 U.S. 1, 20 L. Ed. 2d 889, 88 S. Ct. 1868. Observation of the traffic offense, following too closely, provides probable cause for such a stop. *State v. Pierce*, 5th Dist. No. 10 CA 52, 2011 Ohio 2361, quoting *State v. Kelly*, 188 Ohio App. 3d 842, 846-847, 937 N.E.2d 149, 2010 Ohio 3560. Based upon the observation of Trooper Beyer that the Defendant was travelling at a rate of 60-65mph, and following 2-3 car lengths behind a motor home, the Court concludes that there was probable cause for the stop of Defendant's vehicle.

Defendant argues that the search of the rented vehicle was invalid due to the fact that he refused consent to search. Both parties argued and briefed the issue of whether or not consent was necessary to search a rented vehicle. The Court does not find this issue to be determinative of the case at hand.

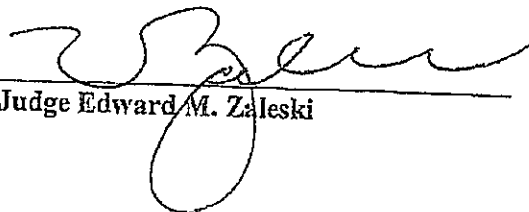
As both the United States Supreme Court and the Ninth District Court of Appeals have held, an alert by a trained narcotics dog to the presence of the odor of controlled

substances for a lawfully stopped vehicle provides law enforcement with probable cause to conduct a search of the vehicle. *Illinois v. Caballes* (2005), 543 U.S. 405, 408-409; *State v. Williams*, 9th Dist. No. 09CA009679, 2010 Ohio 3667; *State v. Kay*, 9th Dist. No. 09CA0018, 2009 Ohio 4801; *State v. Barbee*, 9th Dist. No. 07CA009183, 2008 Ohio3587. The length of detention is restricted to the amount of time necessary to check the driver's license, registration and insurance. *Williams, supra*, at 15.

In the instant case the drug dog alerted to the presence of narcotics at the driver's side rear door. This occurred while Trooper Beyer was still investigating the Defendant's New York driver's license and rental agreement for the vehicle. As a result, Defendant was not subjected to an unreasonable length of detention.

Ohio courts have further held that once officers have probable cause to search the vehicle, they are entitled to search every part of the vehicle, including moveable containers and packages that may conceal the object of the search. *State v. Blevins*, 3d Dist. No. 9-06-40, 2007 Ohio 6972, quoting *State v. Welch*, (1985), 18 Ohio St. 3d 88; 480 N.E. 2d 384; *State v. Almazan*, 9th Dist. No. 05CA0098-M, 2006 Ohio 5047. During a search, following by an alert by the trained drug detecting K9, narcotics were located in a duffel bag located in the vehicle trunk.

For the foregoing reasons, Defendant's Motion to Suppress is granted.



Judge Edward M. Zaleski