

CLIFTON JACKSON AFFIDAVIT AND APPENDIX OF EXHIBITS ARE NUMBERED (first two cover pages of affidavit unnumbered, iii-ixiii) 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 To.

EXHIBIT

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EXHIBITS A-AAAE, (EXHIBIT "T") 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.

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>> Sent from my iPhone

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>> On Nov 14, 2012, at 3:36 PM, "Maricelia" <mari.jbradleylaw@centurytel.net> wrote:

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>> Clifton,

>> Please review before we file with Court.

>> <jackson-clifton-motion-reconsider.DOC.pdf>

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> Sent from my iPad PER THE NECESSARY AMENDMENTS FOR THE RECONSIDERATION DRAFT,

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> PAGES 1, 3, 4 and 7 are verbatim per the reconsideration draft sent by MR. BRADLEY, the following pages should read as follows verbatim, please add on with the proper support because the following is solely per the documented record to date!

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> Also, if this reconsideration motion can harm me in any way, you need to let me know now before you submit this motion because I may choose not to file said reconsideration motion! Again, If this motion can give the people's case any opportunities to redo any existing errors, you need to let me know now, so I'm left with the power of choice like my previous statement!

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> PAGE TWO SHOULD READ AS FOLLOWS,

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MEMORANDUM IN SUPPORT

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Facts

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> On June 14, 2011, Trooper Beyer of the Ohio State Highway Patrol, while on routine patrol, alleged to witness from 300 to 400 feet away, without any attempts to pass and or pull along side of said vehicle that was following two to three car lengths behind a motor home. Trooper Beyer testified at length as to how he interpreted the traveling to close statues, and although Trooper Beyers comprehension of the statues are not consistent with Ohio State Laws and Constitutional Protections, Trooper Beyers initiated a traffic stop of the vehicle and the driver was later identified as Clifton Jackson.

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> Trooper Beyer per the documented record to date, minimal at best, has never entertain the proper scope and protocol and or legal scope of the alleged traffic infraction in which he initially made the traffic stop for, however Trooper Beyer questioned Mr. Jackson regarding the rental vehicle, where he was coming from, and where he was headed. Trooper Beyer took Mr. Jackson's drivers license and the rental agreement for the vehicle in order to run a check on Mr. Jackson, in addition however not limited to, Trooper Beyers testified that he did not witness any criminal activity on going in nature or in plain view in the passenger compartment of the vehicle. Once back at his patrol car, without probable cause to do so per the documented record to date, Trooper Beyers requested assistance from a K-9 unit. Mr. Jackson was then asked from his vehicle, Trooper Beyers requested Mr. Jackson's consent to search the vehicle, to which Mr. Jackson declined,

however Mr. Jackson subsequently was removed from his vehicle, and per Trooper Beyers testimony upon Mr. Jackson exiting the vehicle, Mr. Jackson locked the vehicle doors, and was immediately searched, detained and placed in the rear of the police cruiser prior to the K-9 arrival. The K-9 arrived and performed a sniff of the vehicle, and allegedly was alerted to the driver's side. The Troopers then performed an exhaustive search of the vehicle and it's contents. Two kilograms of cocaine were found in a large orange duffle bag in the trunk.

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> Mr. Jackson was charged with Aggravated Drug Trafficking, Possession of Cocaine, Criminal Tools. This matter came before the Court on the Motion to Suppress filed by Mr. Jackson on or around November 2011 and continued throughout September 2012. Based on the Judges decision, multiple issues arise, including but not limited to the clear question as to whether the Judge granted or denied the suppression motion, in which the last paragraph and sentence of the decision clearly granted the motion to suppress.

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> END OF PAGE TWO

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> PAGE FIVE SHOULD READS AS FOLLOWS,

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Page 5 should read as follows

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> Similar to the above case, Mr. Jackson was stopped for following too closely (two to three car lengths, witnessed from 300 to 400 feet behind Mr. Jackson without any attempts to pass or pull along side Mr. Jackson vehicle, accompanied with Trooper Beyers testimony misrepresenting the Ohio State Law and or Statues and Constitutional Protections regarding is highly questionable) behind a motor home, again which is questionable per Trooper Beyers testimony on how he interpitated the following to close statues, in addition, as in the above case, Mr. Jackson was driving a rental vehicle that had been rented by his girlfriend, Latrice Thomas, who was not present. When asked by Trooper Beyer to where he was traveling, Mr. Jackson allegedly informed him that he was coming from his mothers house in Beloit, Michigan and en route to his cousins house in Cleveland, Ohio. Mr. Jackson provided Trooper Beyer with his drivers license and the rental agreement to the vehicle. Trooper Beyer informed Mr. Jackson he was going to perform a check of his (Jackson's) license, and that Mr. Jackson would then be on his way. Instead, Trooper Beyer without probable cause immediately requested a K-9 unit to join him on scene to perform a sniff of the vehicle, while Mr. Jackson had been illegally detained. Trooper Beyer indicated on record that at the time he returned to his cruiser, his on board camara was malfunctioning and the LEADS program was down due to maintenance and therefore he was not able to have Mr. Jackson's information checked.(14)

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> When questioned as to why he requested a K-9 unit, Trooper Beyer testified that based on Mr. Jackson's demeanor and answers to his questions, he felt as though something more was going on. (12) In addition, he said he still was not one hundred percent certain as to what was going on with the vehicle and why Mr. Jackson could not tell him where his cousin lived. (12) However, Trooper Beyer testified that when he asked Mr. Jackson where he was traveling to, he answered he was going to his cousins house in Cleveland near Stoney Brook or Stoney Point. (8-9)

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 > Based on the totality of the factors present in this case, Trooper Beyer testified that he did not witness any criminal activities in Mr. Jackson's vehicle upon and or during questioning and he did not have reasonable suspicion that Mr. Jackson was engaged or about to engage in criminal activity.

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 > END OF PAGE FIVE,

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 > PAGE SIX SHOULD READS AS FOLLOWS,
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> Trooper Beyer alleges that his suspicion was based on Mr. Jackson's demeanor and answers to his questions, in which none of the questioning per the documented record to date was consistent with the proper scope of the alleged traffic violation, nor was any of the questioning consistent with Ohio State Law and Constitutional protections, however per Trooper Beyer, Mr. Jackson answered every question that was asked of him, he provided Trooper Beyer with his drivers license and the rental agreement for the vehicle. The fact a vehicle is rented does not give rise to reasonable suspicion of criminal activity. This remains true when the primary individual on the rental agreement is not present at the time of the stop, in addition but not limited too, the rental agreement and the contents of, should be a moot issue because Trooper Beyer did not present or preserve this argument on the initial arrest reports, nor did he present or preserve the contents of the same, however in addition to, the entire documented record to date derives from Trooper Beyer, and from the initial arrest report to date, Trooper Beyer, has been remotely inconsistent, elusive in nature and simply put not forthright, and Trooper Beyer actions or lack there of, has no respect with regards to proper protocol, procedures and Constitutional protections! Trooper Beyer actions is consistent with the profiling team he was on the date and time of the initial arrest June 14th, 2011, per his suppression hearing testimony when questioned by Mr. Jackson legal representation. Trooper Beyer has failed to point to specific and articulable facts, when taken as a whole, that would legally warrant the intrusion. In this case, Trooper Beyer was simply relying on an inchoate hunch, as he indicates on the record that he felt "there was probably something more going on." lately (12) As stated above, a mere hunch is insufficient to expand the scope of a traffic stop. Therefore, because Trooper Beyer lacked reasonable suspicion to prolong and or manipulate the stop, the Motion to Suppress should be granted.

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 > Respectfully submitted,