FILED

2018 MAY -2 PM 2:27

BARBARA A. WIEDENBEIN
CLERK OF COMMON PLEAS COURT
CLERMONT COUNTY, OH

COURT OF COMMON PLEAS
CLERMONT COUNTY, OHIO

STATE OF OHIO	:	
Plaintiff	:	**CASE NO. 2017 CR 00606**
vs.	:	**Judge McBride**
KARA ROWE	:	**DECISION/ENTRY**
Defendant	:	

Robert A. Herking, assistant prosecuting attorney for the state of Ohio, 76 S. Riverside Drive, 2nd Floor, Batavia, Ohio 45103

Edward C. Perry, attorney for the defendant Kara Rowe, 810 Sycamore Street, Cincinnati, Ohio 45202

This cause is before the court for consideration of the motion to suppress filed by the defendant Kara Rowe on November 20, 2017. The court held an evidentiary hearing on the motion on January 4, 2018. The defendant and state submitted written arguments on the motion on January 19th and January 24th, respectively. The state was allowed until February 2nd to file a response, and the court took the motion under advisement on February 5th.

Upon consideration of the motion, the record of the proceedings, the evidence presented for the court's consideration, the oral and written arguments of counsel, and the applicable law, the court now renders this written decision.

PROCEDURAL LAW

A motion to suppress is defined as "a device used to eliminate from a criminal trial evidence that has been secured illegally, generally in violation of the Fourth Amendment (search and seizure), the Fifth Amendment (privilege against self-incrimination), or the Sixth Amendment (right to assistance of counsel, right of confrontation, etc.) of the United States Constitution."[1] When a defendant's motion to suppress is successful, the principal remedy for a constitutional violation is to exclude the evidence from the criminal trial.[2]

Pursuant to Crim.R. 12(C), before trial "any party may raise by motion any defense, objection, evidentiary issue, or request that is capable of determination without the trial of the general issue." A motion to suppress evidence "on the ground that it was illegally obtained" must be made prior to trial.[3]

In filing a motion to suppress, the defendant "shall state with particularity the grounds upon which it is made and shall set forth the relief or order sought."[4] The defendant must "state the motion's legal and factual bases with sufficient particularity to place the prosecutor and the court on notice of the issues to be decided."[5] Once the defendant has satisfied his or her burden of "placing the prosecutor and the court on

---

[1] *State v. Scruggs*, 12th Dist. Clinton No. CA2005-11-042, 2007-Ohio-6416, ¶ 4, citing *State v. French*, 72 Ohio St.3d 446, 449-50 (1995).
[2] *State v. Haines*, 12th Dist. Clermont No. CA2003-02-015, 2003-Ohio-6103, ¶ 8.
[3] Crim.R. 12(C).
[4] *State v. Way*, 12th Dist. Butler No. CA2008-04-098, 2009-Ohio-96, ¶ 7, quoting Crim.R. 47.
[5] *Way*, 2009-Ohio-96 at ¶ 7, quoting *State v. Wood*, 12th Dist. Clermont No. CA2007-12-115, 2008-Ohio-5422, ¶ 10.

sufficient notice of the issues to be determined, the burden then shifts to the state to show substantial compliance with the applicable standards."[6]

A motion to suppress typically "presents mixed questions of law and fact."[7] In reviewing such a motion, "the trial court, as the trier of fact, is in the best position to weigh the evidence in order to resolve factual questions and evaluate witness credibility."[8]

FINDINGS OF FACT

On October 12, 2017, the defendant Kara Rowe was indicted on one count of aggravated possession of drugs in violation of R.C. 2925.11(A), a felony of the fifth degree. The above charge arises from an incident that occurred on June 10, 2017. Early that morning, Officer Dylan Torok, a road patrol officer with the Union Township Police Department, was on routine patrol. He observed the defendant's vehicle exiting a Walmart parking lot, and after entering the roadway, the defendant's vehicle was directly in front of Officer Torok's police vehicle.

The defendant was at a stoplight at the intersection of Aicholtz Road and Glen Este Road in Clermont County, Ohio at approximately 2:10 a.m. when Officer Torok observed her commit a traffic violation. The defendant had stopped her vehicle three

---

[6] *Way*, 2009-Ohio-96 at ¶ 7, citing *State v. Plunkett*, 12th Dist. Warren No. CA2007-02-012, 2008-Ohio-1014, ¶ 11.
[7] *State v. Codeluppi*, 139 Ohio St.3d 165, 2014-Ohio-1574, 10 N.E.3d 691, ¶ 7, citing *State v. Burnside*, 100 Ohio St.3d 152, 2003-Ohio-5373, 797 N.E.2d 71, ¶ 8.
[8] *State v. Deluca*, 12th Dist. Butler No. CA2016-03-055, 2017-Ohio-1235, ¶ 9, citing *State v. Vaughn*, 12th Dist. Fayette No. CA2014-05-012, 2015-Ohio-828, ¶ 9. *See Codeluppi*, 2014-Ohio-1574 at ¶ 7, citing *Burnside*, 2003-Ohio-5373 at ¶ 8 (explaining that when the trial court reviews a motion to suppress "the court assumes the role of trier of fact and is therefore in the best position to resolve factual questions and evaluate the credibility of witnesses.").

quarters of the way past a white stop bar at the stoplight, which Officer Torok believed violated R.C. 4511.12. With his windows down at the stoplight, Officer Torok also detected the odor of marijuana. He believed the odor was emanating from the defendant's vehicle because there were no other vehicles in the immediate vicinity.

Officer Torok did not initiate a traffic stop at that time. Instead, he followed the defendant as she continued to drive. Because it was very early in the morning, Officer Torok wanted to see if the defendant committed any other traffic violations that might indicate an OVI offense. Having not seen any other violations, Officer Torok pulled the defendant over near Crestwood Lane and Clough Pike, also in Clermont County, Ohio.

Officer Torok approached the defendant's vehicle and advised the defendant why he had stopped her. During the approach to the defendant's vehicle, Officer Torok detected a slight odor of marijuana and a strong odor of burning tobacco from a cigarette. Officer Torok told the defendant that he suspected her of using marijuana, but she denied such use.

Officer Torok returned to his police cruiser to write the defendant a warning for the traffic violation. During this time, Sergeant Rodney Combs, also with the Union Township Police Department, arrived on the scene as well. Officer Torok spoke briefly to Sergeant Combs, indicating why he had stopped the defendant. Officer Torok then approached the defendant's vehicle again, on the driver's side, with the written warning in hand. As he approached, the defendant was no longer smoking a cigarette, and Officer Torok detected a strong odor of marijuana at this time. He has had contact with marijuana 50 to 100 times previously and recognizes the odor. Sergeant Combs approached the

passenger side of the defendant's vehicle and also detected a very strong odor of marijuana. He informed Officer Torok of his observations.

Officer Torok told the defendant that he had detected the odor of marijuana and said he suspected that she had been using marijuana. The defendant said the odor was left over from other people who had been in her vehicle earlier, who possibly had marijuana. Officer Torok asked the defendant to exit the vehicle, but she did not exit the first few times he requested. Instead she began to move around and turn away from him. Grabbing a marijuana bowl that was on the passenger seat, the defendant attempted to place it in the center console. At that time, Sergeant Combs told the defendant to drop the marijuana bowl and exit the vehicle, and the defendant acceded to the instruction given her by Sergeant Combs.

Once she exited her vehicle, Officer Torok handcuffed the defendant and placed her in the back of his police cruiser. Officer Torok and Sergeant Combs searched the vehicle and found a Crown Royal bag with marijuana and marijuana paraphernalia inside it, along with a container with a white substance inside it that subsequently tested positive for methamphetamine.

After the search, Officer Torok returned to his police cruiser and informed the defendant of her *Miranda* rights before asking her questions. He then asked what the substance was, and the defendant indicated it was ice, the common street name for methamphetamine, that was mixed with Percoset. Officer Torok wrote the defendant a criminal summons for the marijuana, gave her the written warning for the traffic violation that he had prepared earlier, informed her that the substance would be tested in a laboratory, and permitted the defendant to leave.

LEGAL ANALYSIS

In the case at bar, the defendant has filed a motion to suppress on several grounds. The defendant argues that Officer Torok's initial stop and detention of her was illegal, as was the search of her vehicle. Therefore, the defendant maintains that all evidence collected after Officer Torok's initial encounter with the defendant must be suppressed, including the illegal drugs and drug paraphernalia seized. She also maintains that her statements must be suppressed, as well as evidence as to any of the officers' observations or opinions following the allegedly illegal stop. The separate bases for suppression will be examined in turn.

I. STOP OF THE DEFENDANT

The Fourth Amendment to the United States Constitution protects people against "unreasonable searches and seizures."[9] Similarly, the Ohio Constitution provides: "The right of the people to be secure in their persons, houses, papers, and possessions, against unreasonable searches and seizures shall not be violated."[10] The United States Supreme Court has long observed that "'[n]o right is held more sacred, or is more carefully guarded, by the common law, than the right of every individual to the possession and control of his own person, free from all restraint or interference of others, unless by clear and unquestionable authority of law.'"[11]

---

[9] Fourth Amendment to the United States Constitution.
[10] Ohio Constitution, Article I, Section 14.
[11] *Terry v. Ohio*, 392 U.S. 1, 9, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968), citing *Union Pac. R. Co. v. Botsford*, 141 U.S. 250, 251, 11 S.Ct. 1000, 35 L.Ed. 734 (1891).

These Fourth Amendment principles apply to drivers in motor vehicles.[12] A traffic stop is considered a seizure of the driver.[13] Ohio recognizes two types of lawful traffic stops, one of which involves non-investigatory traffic stops.[14] For such a stop, "[w]hen the police stop a vehicle based on probable cause that a traffic violation has occurred, the stop is reasonable under the Fourth Amendment."[15] An officer has probable cause to stop a vehicle for a traffic stop when the officer has observed a traffic violation.[16] A traffic stop made with probable cause that a traffic violation occurred is not unreasonable even if "* * * the officer had some ulterior motive for making the stop, such as a suspicion that the violator was engaging in more nefarious criminal activity."[17]

The "tolerable duration" of a seizure in the context of a traffic stop is "determined by the seizure's 'mission' – to address the traffic violation that warranted the stop * * * and to attend to related safety concerns * * *."[18] The stop is considered to begin when the officer pulls over the vehicle to investigate a traffic violation.[19] Once commenced, the

---

[12] *State v. Lunce*, 12th Dist. Butler No. CA2000-10-209, 2001 WL 530541, *2 (May 21, 2001), citing *State v. Johnson*, 85 Ohio App.3d 475, 478 (12th Dist. 1993).
[13] *Brendlin v. California*, 55 U.S. 249, 255, 127 S.Ct. 2400, 168 L.Ed.2d 132 (2007), citing *Delaware v. Prouse*, 440 U.S. 648, 653, 99 S.Ct. 1391, 59 L.Ed.2d 660 (1979).
[14] *State v. Stover*, 12th Dist. Clinton No. CA2017-04-005, 2017-Ohio-9097, ¶ 8, citing *State v. Campbell*, 12th Dist. Butler Nos. CA2014-02-048 and CA2014-02-051, 2014-Ohio-5315, ¶ 25.
[15] *State v. Casey*, 12th Dist. Warren No. CA2013-10-090, 2014-Ohio-2586, ¶ 18, citing *Bowling Green v. Godwin*, 110 Ohio St.3d 58, 2006-Ohio-2563, ¶ 11. *See State v. Grenoble*, 12th Dist. Preble No. CA2010-09-011, 2011-Ohio-2343, ¶ 11, quoting *Dayton v. Erickson*, 76 Ohio St.3d 3 (1996), at the syllabus ("Where a police officer stops a vehicle based on probable cause that a traffic violation has occurred or was occurring, the stop is not unreasonable under the Fourth Amendment to the United States Constitution even if the officer had some ulterior motive for making the stop, such as a suspicion that the violator was engaging in more nefarious criminal activity.").
[16] *Stover*, 2017-Ohio-9097 at ¶ 8, citing *State v. Moore*, 12th Dist. Fayette No. CA2010-12-037, 2011-Ohio-4908, ¶ 31.
[17] *State v. Kelly*, 188 Ohio App.3d 842, 2010-Ohio-3560, 937 N.E.2d 149, ¶ 15 (12th Dist.), quoting *Dayton v. Erickson*, 76 Ohio St.3d 3, 665 N.E.2d 1091 (1996), syllabus.
[18] *Rodriguez v. U.S.*, 135 S.Ct. 1609, 1614, 191 L.Ed.2d 492, 83 USLW 4241 (2015), citing *Illinois v. Caballes*, 543 U.S. 405, 407, 125 S.Ct. 834, 160 L.Ed.2d 842 (2005).
[19] *Johnson*, 555 U.S. at 333.

stop may not last any longer than necessary to effectuate its purpose.[20] If a traffic stop exceeds "the time needed to handle the matter for which the stop was made," then the stop "violates the Constitution's shield against unreasonable seizures."[21] A seizure based upon a traffic violation "'become[s] unlawful if it is prolonged beyond the time reasonably required to complete [the] mission of issuing a ticket for the violation."[22] Accordingly, a law enforcement officer's authority for the seizure ends "when tasks tied to the traffic infraction are – or reasonably should have been – completed."[23]

The officer's "mission" during a traffic stop includes determining whether to issue a traffic ticket, checking the driver's license, determining whether there are outstanding warrants against the driver, and inspecting the automobile's registration and proof of insurance.[24] Such checks "serve the same objective as enforcement of the traffic code: ensuring that vehicles on the road are operated safely and responsibly."[25]

When an officer investigates other crimes during a traffic stop, the officer "detours" from his or her mission.[26] When an officer investigates matters unrelated to the traffic

---

[20] *Rodriguez*, 135 S.Ct. at 1614.
[21] Id. at 1610.
[22] Id., quoting *Illinois*, 543 U.S. at 407.
[23] *Rodriguez*, 135 S.Ct. at 1614. *See State v. Batchili*, 113 Ohio St.3d 403, 2007-Ohio-2204, 865 N.E.2d 1282, ¶ 12, quoting *State v. Keathley*, 55 Ohio App.3d 130, 131, 562 N.E.2d 932 (2d Dist. 1988) ("[W]hen detaining a motorist for a traffic violation, an officer may delay the motorist for a time period sufficient to issue a ticket or a warning."); *Grenoble*, 2011-Ohio-2343 at ¶ 28 (stating that an officer may detain a motorist for a traffic stop for a time sufficient to issue a ticket or warning, and to run a computer check on the driver's license, registration, and vehicle plates).
[24] *Rodriguez*, 135 S.Ct. at 1615, citing *Prouse*, 440 U.S. at 658-660. *See Batchili*, 2007-Ohio-2204 at ¶ 12 (explaining that detaining a motorist for a traffic violation allows for "time sufficient to run a computer check on the driver's license, registration, and vehicle plates."); *Casey*, 2014-Ohio-2586 at ¶ 18, citing *Grenoble*, 2011-Ohio-2343 at ¶ 28 ("When a law enforcement officer stops a vehicle for a traffic violation, the officer may detain the motorist for a period of time sufficient to issue the motorist a citation and to perform routine procedures such as a computer check on the motorist's driver's license, registration, and vehicle plates.").
[25] *Rodriguez*, 135 S.Ct. at 1615, citing *Prouse*, 440 U.S. at 658-659.
[26] *Rodriguez*, 135 S.Ct. at 1616.

stop, that action does not, by itself, convert the stop into an unlawful seizure.[27] Rather, during an otherwise lawful traffic stop, an officer may "conduct certain unrelated checks" or detours, but the checks may not otherwise prolong the stop.[28] Of note, when lawfully detaining a vehicle for a suspected traffic violation, a police officer can order the driver to exit the vehicle without infringing the Fourth Amendment.[29]

In the present case, Officer Torok had probable cause to stop the defendant for a traffic violation. Officer Torok stopped the defendant for violating R.C. 4511.12(A), which provides: "No pedestrian, driver of a vehicle, or operator of a streetcar or trackless trolley shall disobey the instructions of any traffic control device placed in accordance with this chapter, unless at the time otherwise directed by a police officer."[30] A "traffic control device" is defined to mean "a flagger, sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street [or] highway * * *."[31]

Officer Torok testified that he saw the defendant drive three quarters of the way over a white stop bar at the stoplight in violation of R.C. 4511.12. The traffic violation provided a legal basis for the initial stop. Although Officer Torok testified that he smelled marijuana coming from the defendant's vehicle while she was at the stoplight, that was not his basis for stopping her. Officer Torok may have had ulterior motives in stopping the defendant for the traffic violation but that does not invalidate the legality of the stop or his probable cause for making it.

---

[27] *Johnson*, 555 U.S. at 333.
[28] *Rodriguez*, 135 S.Ct. at 1615.
[29] *Arizona v. Johnson*, 555 U.S. 323, 331, 129 S.Ct. 781 (2009), citing *Pennsylvania v. Mimms*, 434 U.S. 106, 98 S.Ct. 330, 54 L.Ed.2d 331 (1977), fn. 6.
[30] R.C. 4511.12(A).
[31] R.C. 4511.01(QQ).

There is also no evidence that Officer Torok impermissibly prolonged the length of the stop. After pulling the defendant over, he spoke to her about the perceived traffic violation and the odor of marijuana. He then returned to his cruiser to write a warning for the traffic violation. Officer Torok spoke briefly to Sergeant Combs about the traffic violation, and then he returned to the defendant's vehicle to give her the warning. Although Officer Torok did not give her the warning upon his second approach, because of the strong odor of marijuana that led to the search, all of his actions were within his mission of effectuating a traffic stop and issuing a written warning to the defendant. Officer Torok did not detour from his mission until he asked the defendant to step out of her vehicle to conduct a search of it, the permissibility of which is discussed below. In sum, Officer Torok did not violate the Fourth Amendment when he stopped the defendant for a traffic violation and detained her prior to searching her vehicle.

II. SEARCH OF THE VEHICLE

The Fourth Amendment to the United States Constitution, as well as the Ohio Constitution, not only protect people against unreasonable seizures, but from unreasonable searches as well.[32] Generally, a search is reasonable under the Fourth Amendment when it is based upon probable cause and executed under a warrant.[33] Probable cause is required to be predicated on "objective facts" that justify the issuance of a warrant.[34] In order for a search to be constitutional, probable cause must exist and,

[32] Fourth Amendment to the United States Constitution; Ohio Constitution, Article I, Section 14.
[33] *State v. Moore*, 90 Ohio St.3d 47, 49, 734 N.E.2d 804, 123 A.L.R. 5th 661 (2000), citing *Katz v. United States*, 389 U.S. 347, 357, 88 S.Ct. 507, 19 L.Ed.2d 576 (1976).
[34] *Moore*, 90 Ohio St.3d at 49.

if so, "then a search warrant must be obtained unless an exception to the warrant requirement applies."[35] Probable cause for a search exists when "given all the circumstances * * * there is a fair probability that contraband or evidence of a crime will be found in a particular place."[36]

The United States Supreme Court has "long acknowledged" that an odor can be "persuasive evidence to justify the issuance of a search warrant."[37] Moreover, "the smell of marijuana alone, by a person qualified recognize the odor, is sufficient to establish probable cause to search a motor vehicle."[38] "There need be no additional factors to corroborate the suspicion of the presence of marijuana."[39]

A law enforcement officer need not have any specific training or expertise in order to identify marijuana's smell.[40] Rather, an officer's "ordinary training" may qualify the officer to identify marijuana by smell, thereby establishing probable cause to conduct a search when the officer smells and identifies marijuana.[41] However, the officer needs to have had "some experience identifying marijuana in the past."[42] Thus, if "*no* testimony is adduced regarding the officer's training, experience, or qualifications in detecting and

---

[35] Id.
[36] *State v. Morse*, 12th Dist. Warren Nos. CA2001-11-099 and CA 2001-11-100, 2002-Ohio-3873, ¶ 9, citing *State v. George*, 45 Ohio St.3d 325, 544 N.E.2d 660 (1989). *See State v. Gonzales*, 6th Dist. Wood No. WD-07-060, 2009-Ohio-168, ¶ 15 (Citation omitted.) ("Probable cause is defined as 'a reasonable ground for belief of guilt.'").
[37] *Moore*, 90 Ohio St.3d at 49, citing *Johnson v. United States*, 333 U.S. 10, 13, 68 S.Ct. 347, 92 L.Ed. 436 (1948).
[38] *Moore*, 90 Ohio St.3d at 48.
[39] Id. at 50.
[40] *State v. Mansour*, 12th Dist. Warren No. CA2015-06-051, 2016-Ohio-755, ¶ 12, citing *State v. Knox*, 8th Dist. Cuyahoga No. 98713, 2013-Ohio-1662, ¶ 15.
[41] *Mansour*, 2016-Ohio-755 at ¶ 12, citing *Knox*, 2013-Ohio-1662 at ¶ 15.
[42] *Mansour*, 2016-Ohio-755 at ¶ 12, citing *Knox*, 2013-Ohio-1662 at ¶ 15.

identifying the odor of marijuana, reviewing courts have held that suppression is proper" when the sole basis for the search is the marijuana odor.[43]

A law enforcement officer may search a motor vehicle without a warrant based on the "well established automobile exception to the warrant requirement" once the officer has probable cause to believe that a vehicle contains contraband.[44] The automobile exception is based upon the concept of exigent circumstances because the "inherent mobility of the automobile" creates a danger that the contraband "would be removed before a warrant could be issued."[45]

In *State v. Moore*, 90 Ohio St.3d 47, 48, 734 N.E.2d 804, 123 A.L.R. 5th 661 (2000), the Ohio Supreme Court held that the smell of marijuana, by itself, can establish probable cause to conduct a search of a vehicle for contraband. In *Moore*, the Court found that the automobile exception applied, permitting an officer who smelled burnt marijuana during a traffic stop to conduct a vehicle search.[46]

The officer smelled the marijuana when the defendant rolled down his window.[47] In order for the officer to have obtained a warrant, the officer would have had to allow the defendant to leave the scene in his vehicle, unaccompanied by any law enforcement officer.[48] The possible loss of evidence was a compelling reason for the officer to conduct

---

[43] (Emphasis original.) *Mansour*, 2016-Ohio-755 at ¶ 15, citing *State v. Birdsong*, 5th Dist. Stark No. 2008 CA 00221, 2009-Ohio-1859, ¶ 16.
[44] *Moore*, 90 Ohio St.3d at 50, citing *Maryland v. Dyson*, 527 U.S. 465, 466, 119 S.Ct. 2013, 144 L.Ed.2d 422 (1999). *See State v. Waldroup*, 100 Ohio App.3d 508, 514, 654 N.E.2d 390 (12th Dist. 1995), citing *State v. Mills*, 62 Ohio St.3d 357, 367, 583 N.E. 972 (1992) (explaining that under the automobile exception a police officer can undertake a warrantless search of a vehicle that it has probable cause to believe contains contraband when exigent circumstances exist).
[45] *Moore*, 90 Ohio St.3d at 50, citing *South Dakota v. Opperman*, 428 U.S. 364 367, 96 S.Ct. 3092, 49 L.Ed.2d 1000 (1976).
[46] *Moore*, 90 Ohio St.3d at 44-49.
[47] Id. at 52-53.
[48] Id. at 52.

a search of the vehicle absent a warrant, and thus the automobile exception applied.[49] Accordingly, there was no Fourth Amendment violation for the search of the defendant's vehicle.[50]

In examining the instant case, Officer Torok had probable cause to search the defendant's vehicle for marijuana under the automobile exception because he and Sergeant Combs detected the strong odor of marijuana emanating from the defendant's vehicle. In his experience as a road patrol officer, Officer Torok has had contact with marijuana 50 to 100 times and recognizes its odor. Further, Sergeant Combs observed that the defendant had a marijuana bowl in the vehicle as well. In his experience as an officer, he testified that he had previously seen hundreds of marijuana bowls. As the case law above illustrates, the odor of marijuana alone is sufficient to establish probable cause for a police officer to search a vehicle for contraband. In this case, the strong odor of marijuana, combined with Sergeant Combs' observation of the marijuana bowl, provided the officers probable cause to search the defendant's vehicle.

Furthermore, the automobile exception applies because, as in *State v. Moore*, in order for Officer Torok to have obtained a warrant, he would have had to allow the defendant to leave the scene in her vehicle, unaccompanied by any law enforcement officer.[51] In such a situation, the possible loss of evidence is a compelling reason for Officer Torok to conduct a search of the vehicle absent a warrant.[52] Accordingly, the court finds that the search of the defendant's vehicle was conducted in compliance with the Fourth Amendment.

---

[49] Id. at 53.
[50] Id.
[51] *Moore*, 90 Ohio St.3d at 52.three
[52] Id. at 53.

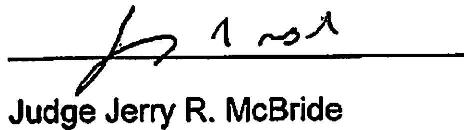
CONCLUSION

For the foregoing reasons, the defendant's motion to suppress is not well-taken and is hereby denied.

Counsel shall conference by telephone with the Assignment Commissioner (513-732-7108) within three business days in order to schedule a plea or trial setting, which shall be scheduled and held within ten business days.

IT IS SO ORDERED.

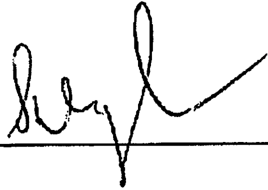
DATED: 5-2-18



Judge Jerry R. McBride

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Decision/Entry were sent on this 2nd day of May 2018 by e-mail to Robert A. Herking, Assistant Prosecuting Attorney, at rherking@clermontcountyohio.gov, and to Edward C. Perry, Attorney for the Defendant, at ep@edwardperrylaw.com.



Judicial Assistant to Judge McBride