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SLIP OPINION NO. 2026-OHIO-4510

THE STATE OF OHIO, APPELLEE, *v.* KINCAID, APPELLANT.

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State v. Kincaid*, Slip Opinion No. 2026-Ohio-4510.]

Criminal law—Fourth Amendment to United States Constitution—Officer safety does not justify prolonging a traffic stop to conduct a canine sniff since a sniff is not part of the traffic-stop mission—State failed to meet its burden to prove that traffic stop was not unlawfully extended when evidence failed to establish that administrative tasks incident to traffic stop were ongoing when canine indicated—Court of appeals' judgment reversed and cause remanded.

(No. 2024-1184—Submitted October 8, 2025—Decided November 17, 2026.)

APPEAL from the Court of Appeals for Meigs County,

No. 22CA4, 2024-Ohio-2668.

KENNEDY, C.J., authored the opinion of the court, which FISCHER, DEWINE, BRUNNER, DETERS, and HAWKINS, JJ., joined. SHANAHAN, J., dissented, with an opinion.

KENNEDY, C.J.

{¶ 1} This discretionary appeal from the Fourth District Court of Appeals presents the question whether the United States Supreme Court recognized an officer-safety exception to the Fourth Amendment to the United States Constitution in *Rodriguez v. United States*, 575 U.S. 348 (2015), such that officer safety may justify prolonging a traffic stop to conduct a canine sniff. We answer that question in the negative.

{¶ 2} On December 26, 2019, Meigs County Sheriff's Deputy Tylun Campbell stopped a vehicle for a traffic violation. After discovering that the driver was appellant, John Kincaid, Campbell decided to conduct a canine sniff of the exterior of the vehicle. For officer safety, Campbell radioed for backup and waited for it to arrive before conducting the sniff, which subsequently revealed the presence of narcotics. Kincaid moved to suppress the evidence on the grounds that it was obtained through an unconstitutional search and seizure. The trial court upheld the stop, saying that once a vehicle is lawfully stopped for a traffic violation, the law-enforcement officer may "detain or keep" the driver of the vehicle "long enough" to complete a canine sniff outside the vehicle. The Fourth District affirmed on different grounds, holding that the short extension of the stop to wait for backup was reasonable in light of officer-safety concerns. 2024-Ohio-2668, ¶ 27 (4th Dist.).

{¶ 3} However, the United States Supreme Court has not recognized such an officer-safety exception to the Fourth Amendment. Rather, a traffic stop must end as soon as its mission is complete, absent reasonable suspicion that justifies continuing the seizure. *Rodriguez* at 355. And the State bears the burden of proving

that a search or seizure was lawful under the Fourth Amendment. *See Coolidge v. New Hampshire*, 403 U.S. 443, 454-455 (1971); *Xenia v. Wallace*, 37 Ohio St.3d 216, 219-220 (1988). Because the State failed to meet its burden here, the continued seizure of Kincaid to conduct a canine sniff violated his rights under the Fourth Amendment. We therefore reverse the Fourth District's judgment and remand the case to the trial court for proceedings consistent with this opinion.

I. Facts and Procedural History

A. Traffic Stop

{¶ 4} On December 26, 2019, Deputy Campbell observed a vehicle commit two marked-lanes violations. After observing the violations but before pulling the vehicle over, Campbell ran a registration check of the license plate. Through that check, Campbell learned that the vehicle was registered to Kincaid. Campbell then conducted a traffic stop.

{¶ 5} When Deputy Campbell approached the driver, he was not surprised to see that it was Kincaid behind the wheel. Campbell later testified that he had not met Kincaid before stopping him but had "seen him around" and had "prior information that [Kincaid] was trafficking drugs" in Meigs County. After Campbell confirmed that Kincaid was the driver, he told Kincaid the reason for the traffic stop—the two marked-lanes violations—and decided that he was going to conduct a canine sniff of Kincaid's vehicle.

{¶ 6} After this initial conversation and before conducting the canine sniff, Deputy Campbell radioed another deputy, Deputy Hutton, and advised Hutton to meet him on Minersville Hill Road. While waiting for Hutton to arrive, Campbell asked dispatch to run a license check on both Kincaid and his passenger. There were no outstanding warrants for either man.

{¶ 7} When Deputy Hutton arrived, Deputy Campbell returned to his cruiser, retrieved his canine, and commanded her to sniff by saying "find it." He then ran the canine around Kincaid's vehicle; the canine sat by the driver's-side

front door, indicating that she smelled drugs. The deputies then ordered Kincaid and his passenger to exit the vehicle, patted them down, and searched the vehicle; they found heroin and fentanyl in baggies in a cigarette box under the driver's seat, as well as money on the floorboard. Kincaid admitted that he had made the money from selling narcotics.

B. Trial-Court Proceedings

{¶ 8} The State indicted Kincaid on one count each of possession of heroin, possession of fentanyl, trafficking in heroin, and trafficking in fentanyl.

{¶ 9} Kincaid moved to suppress the evidence that was discovered during the traffic stop. Among other things, he argued that "[s]ubsequent to [his] unreasonable stop, [Deputy Campbell] expanded the purpose and duration of the stop into a drug investigation by searching [Kincaid's] vehicle with a police [canine]." According to Kincaid, this "extension was not supported by probable cause or reasonable suspicion." Kincaid maintained that he had been "subjected to an unlawful seizure, unlawful extension of that seizure, and unlawful search not supported by probable cause resulting in [the] seizure of evidence."

{¶ 10} During the suppression hearing, Deputy Campbell admitted that his investigation of the marked-lanes violations had ended by the time he told Kincaid why he had been pulled over. Campbell also admitted that he had decided to conduct the canine sniff of Kincaid's vehicle at that time. Campbell made this decision because he had prior information that Kincaid had been selling drugs in Meigs County. But the State did not produce the source of that information. Campbell also testified that there are logs that mark events of traffic stops by time, but the State did not introduce those logs into evidence. Concerning the license and warrant checks, Campbell had the following exchange with Kincaid's attorney on cross-examination:

> Q: Ok. That's fair enough. And, during the . . . I just want to be clear, during that five to ten (10) minutes, that you were waiting for Deputy Hutton to arrive, um, you did not, uh, you did not run a criminal history or anything of that sort at that time for Mr. Kincaid, correct?
>
> A: Uh, I ran both of their licenses, uh, when dispatch runs them, there's . . . there's . . . they should bring up the criminal history at that point.
>
> Q: And, nothing . . . no warrants or anything like that that you were holding Mr. Kincaid on, correct?
>
> A: No.

(Ellipses in original.)

{¶ 11} Deputy Campbell testified that it had taken five to ten minutes for Deputy Hutton to arrive and that during that time, Campbell was "actively investigating" Kincaid and his passenger for drug trafficking by asking them whether they were in possession of narcotics. Campbell said that for officer-safety reasons, he had waited for Hutton to arrive before conducting the canine sniff of the exterior of the vehicle and that he would not have called Hutton for backup if he had just been writing Kincaid a ticket. Campbell acknowledged that he never wrote Kincaid a ticket for the marked-lanes violations.

{¶ 12} In his posthearing brief, Kincaid argued that upon learning that Kincaid was the driver of the vehicle, Deputy Campbell had abandoned his investigation of the traffic violations and the business of the traffic stop was over because Campbell did not conduct "any more activities germane to the traffic violation[s]." Rather, Kincaid asserted, Campbell had extended the traffic stop for a criminal investigation supported only by Campbell's "general belief" that Kincaid was involved in trafficking drugs. According to Kincaid, the State did not produce

any evidence to support Campbell's hunch and Campbell had not had a reasonable, articulable suspicion of criminal activity other than the traffic infractions. Kincaid therefore argued that the extension of the stop to conduct a canine sniff of the exterior of his vehicle was unconstitutional under the Fourth Amendment.

{¶ 13} In its posthearing brief, the State admitted that Deputy Campbell had extended the traffic stop, but it asserted that doing so was not unconstitutional, because waiting five to ten minutes for backup and officer safety was reasonable. In support of its position, the State cited *United States v. Winters*, 782 F.3d 289, 306 (6th Cir. 2015), in which the United States Court of Appeals for the Sixth Circuit held that under the totality of the circumstances, the extension of a traffic stop "after its initial purpose was completed to conduct a dog sniff" was permissible because the law-enforcement officer had "developed reasonable suspicion of criminal activity." The State maintained that Campbell's extending the stop in this case was reasonable because he had possessed a reasonable suspicion that Kincaid was engaged in drug trafficking.

{¶ 14} In denying Kincaid's motion to suppress, the trial court concluded that once a vehicle is lawfully stopped for a traffic violation, the law-enforcement officer may "detain or keep" the driver of the vehicle "long enough" to complete a canine sniff outside the vehicle. Specifically, the trial court found that the "wait for a second officer to arrive before giving the command to the [canine] to sniff was not an unreasonable delay in concluding the traffic stop and thus permissible." The court also found that although

> [t]he deputy did wait approximately 5-10 minutes for another officer to arrive at the scene before he had his dog start walking around the car[,] [that was] a reasonable and short duration to wait so that both

> the officers, the [canine,] and occupants of the car could be safe during the [canine] sniff.
>
> . . .
>
> Those 5-10 minutes were justifiable based upon a reasonable articulable fact that gave rise to a suspicion of some illegal activity justifying an extension of the detention and thus was a reasonable and legal seizure.
>
> The very short delay, of approximately 5 minutes, between the initial traffic stop for the marked lanes violation and the arrival of the other officer was not an unreasonable delay of the time necessary to complete the initial purpose of the stop.

Therefore, after "evaluat[ing] the duration of [the] traffic stop in light of the totality of the circumstances," the court found that "[Deputy Campbell] was diligent in conducting the investigation in a reasonable period of time," and it therefore denied Kincaid's motion to suppress.

{¶ 15} Kincaid pleaded no contest to the drug-trafficking counts, and the trial court dismissed the other two counts in accordance with a plea agreement. The trial court sentenced him to an indeterminate term of three to four and a half years in prison, and it ordered the $1,570 found in Kincaid's vehicle to be forfeited to the Meigs County Sheriff's Office.

C. Appeal to the Fourth District Court of Appeals

{¶ 16} Kincaid appealed, arguing that "[t]he trial court erred by overruling [his] motion to suppress, contrary to [his] right against unreasonable searches and seizures, pursuant to the Fourth and Fourteenth Amendments to the United States Constitution, and Article I, Section 14 of the Ohio Constitution." In a split decision, the Fourth District affirmed the judgment of the trial court. 2024-Ohio-2668 at ¶ 34 (4th Dist.). The court of appeals' majority acknowledged that a person's reputation

or past record does not give a law-enforcement officer reasonable, articulable suspicion to "justify a shift in an investigatory intrusion from the traffic stop to a . . . drug[] investigation," *id.* at ¶ 13, and it recognized that "absent a reasonable suspicion of criminal conduct[,] an officer may not extend an otherwise-completed traffic stop to conduct a canine sniff," *id*. at ¶ 14, citing *Rodriguez*, 575 U.S. 348.

{¶ 17} After reviewing the evidence, the court of appeals' majority concluded that Deputy Campbell had not "possess[ed] specific and sufficient information about [Kincaid's] alleged drug trafficking activity to extend the time and purpose of the stop beyond the reason for the initial stop." *Id*. at ¶ 27. Moreover, it determined that Campbell's testimony "did not offer sufficient information or justification [for him] to [have] prolong[ed] the traffic stop beyond the time associated with normal duties generally associated with traffic stops." *Id*. at ¶ 26. And it further determined that Campbell had "not provide[d] detailed testimony concerning the normal general administrative duties associated with traffic stops, including the check of [Kincaid's] registration, the status of [his] driver's license, [or] the vehicle's insurance coverage or provide[d] the exact time when Deputy Campbell concluded these administrative tasks while he waited for Deputy Hutton." *Id*. at ¶ 26. Nevertheless, the court of appeals held that Campbell had not unreasonably extended the time required to complete the traffic stop, stating that a delay of less than ten minutes was reasonable in light of the need for officer safety, and therefore, the traffic stop was lawful. *Id*. at ¶ 26-28.

{¶ 18} The dissenting judge concluded that Deputy Campbell had "extended the traffic stop without sufficient justification." *Id*. at ¶ 35 (Hess, J., dissenting). In support, he referred to Campbell's testimony that the investigation into the marked-lanes violations was "over at the time that [Campbell] informed Kincaid" of the violation. *Id*. (Hess, J., dissenting). And the dissenting judge noted that Campbell had not testified as to any facts to "support a reasonable suspicion that would justify extending the traffic stop." *Id*. at ¶ 36 (Hess, J., dissenting). It

was only because of Kincaid's "reputation as an alleged drug trafficker," the dissenting judge said, that Campbell extended the traffic stop. *Id*. (Hess, J., dissenting).

{¶ 19} Kincaid appealed to this court, and we agreed to review one proposition of law: "There is no officer-safety exception to the [United States] Supreme Court's holding in *Rodriguez v. United States*, 575 U.S. 348 (2015)." *See* 2024-Ohio-5104.

II. Law and Analysis

A. Standard of Review

{¶ 20} The mechanism for seeking the exclusion of evidence obtained through a warrantless search or seizure is a motion to suppress. *State v. French*, 1995-Ohio-32, ¶ 10. "Appellate review of a ruling on a motion to suppress presents a mixed question of law and fact." *State v. Toran*, 2023-Ohio-3564, ¶ 14. If the trial court's factual findings "are supported by competent, credible evidence," we must accept them. *Id.* However, we decide questions of law independently, "without deference to the trial court's decision." *Id.*

B. The Fourth Amendment and Traffic Stops

{¶ 21} The Fourth Amendment to the United States Constitution—made applicable to the states by the Fourteenth Amendment, *Mapp v. Ohio*, 367 U.S. 643, 655 (1961)—protects "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." A traffic stop is a seizure under the Fourth Amendment. *Heien v. North Carolina*, 574 U.S. 54, 60 (2014). "[T]he Fourth Amendment permits an officer to initiate a brief investigative traffic stop when he has 'a particularized and objective basis for suspecting the particular person stopped of criminal activity.' " *Kansas v. Glover*, 589 U.S. 376, 380 (2020), quoting *United States v. Cortez*, 449 U.S. 411, 417-418 (1981). That is, law enforcement must have a reasonable, articulable suspicion of criminal

activity to perform a constitutionally valid traffic stop. *State v. Hale*, 2024-Ohio-4866, ¶ 15.

C. The Fourth Amendment and Canine Sniffs

{¶ 22} Throughout the years, the United States Supreme Court has refined the contours of its jurisprudence regarding the constitutionality of canine sniffs under the Fourth Amendment. Starting in *United States v. Place*, the Court addressed a canine sniff of luggage and recognized that a "canine sniff is *sui generis*." 462 U.S. 696, 707 (1983). That is, a canine sniff provides limited information while removing inconvenience or embarrassment because it is "less intrusive than a typical search." *Id.* It "discloses only the presence or absence of narcotics, a contraband item," without requiring law enforcement to rummage through a person's belongings. *Id.* Given this limited "manner in which . . . information is obtained and . . . revealed" through a canine sniff, the United States Supreme Court held that a canine sniff of luggage in a public place is not a search under the Fourth Amendment. *Id.*

{¶ 23} Years later, the United States Supreme Court examined a canine sniff in the context of a traffic checkpoint. *Indianapolis v. Edmond*, 531 U.S. 32, 35 (2000). Applying the same analysis used in *Place*, the Court once again held that a canine sniff is not a search. *Id.* at 40 ("The fact that officers walk a narcotics-detection dog around the exterior of each car at the Indianapolis checkpoints does not transform the seizure into a search."). "Just as in *Place*, an exterior sniff of an automobile does not require entry into the car and is not designed to disclose any information other than the presence or absence of narcotics." *Id.* Similarly, a law-enforcement officer's simply walking a dog around a vehicle is significantly less intrusive than the officer's entering the vehicle to search it. *Id.* Therefore, a canine sniff at a traffic checkpoint does not constitute a search. *Id.*

{¶ 24} The United States Supreme Court further examined canine sniffs in the context of ordinary traffic stops in *Illinois v. Caballes*, 543 U.S. 405, 406 (2004).

There, a state trooper stopped a vehicle for a traffic violation, and while he was writing the ticket, another trooper performed a canine sniff of the vehicle. *Id.* Once again, the Court held that a canine sniff does not constitute a search since it reveals only contraband, in which there is no "'legitimate interest in privacy.' " *Id.* at 408-409, quoting *United States v. Jacobsen*, 466 U.S. 109, 123 (1984). Therefore, in *Caballes*, the Court recognized that "[a]ny intrusion on [the defendant's] privacy expectations [did] not rise to the level of a constitutionally cognizable infringement." *Id.* at 409.

{¶ 25} However, *Caballes* noted a potential limitation on canine sniffs during traffic stops: the Fourth Amendment right against unreasonable seizures. *Id.* at 407-408. "A seizure that is justified solely by the interest in issuing a warning ticket to the driver can become unlawful if it is prolonged beyond the time reasonably required to complete that mission." *Id.* at 407. Consequently, a canine sniff can violate the Fourth Amendment's right against unreasonable seizures if a person is "being unlawfully detained," *id.* at 408. The United States Supreme Court did not opine more on this, though, since the Court accepted "the state court's conclusion that the duration of the stop in [*Caballes*] was entirely justified by the traffic offense and the ordinary inquiries incident to such a stop." *Id.*

{¶ 26} Ten years later, the United States Supreme Court revisited the limitations on canine sniffs under the Fourth Amendment's right against unreasonable seizures. *Rodriguez*, 575 U.S. at 355. In *Rodriguez*, an officer stopped a vehicle for a traffic violation and continued the detention of the occupants to conduct a canine sniff after having finished checking their information and issuing a warning ticket before the canine arrived. *Id.* at 351-352. The Court held that the continued detention unconstitutionally prolonged the seizure absent additional reasonable suspicion of criminal activity. *Id.* at 353, 357-358. "[T]he tolerable duration of police inquiries in the traffic-stop context is determined by the seizure's 'mission'—to address the traffic violation that warranted the stop and

attend to related safety concerns." (Citation omitted.) *Id.* at 354. "Authority for the seizure . . . ends when tasks tied to the traffic infraction are—or reasonably should have been—completed." *Id.* Consequently, even a valid "traffic stop 'can become unlawful if it is prolonged beyond the time reasonably required to complete th[e] mission.' " (Bracketed text added in *Rodriguez*.) *Id.* at 354-355, quoting *Caballes* at 407; *see also id.* at 355, quoting *Arizona v. Johnson*, 555 U.S. 323, 333 (2009) ("The seizure remains lawful only 'so long as [unrelated] inquiries do not measurably extend the duration of the stop.' " [Bracketed text added in *Rodriguez.*]).

{¶ 27} In addition to determining whether to issue a traffic ticket, the traffic-stop mission includes making ordinary inquiries incident to the traffic stop because those inquiries have a "close connection to roadway safety." *Id.* at 355-356. "Typically such inquiries involve checking the driver's license, determining whether there are outstanding warrants against the driver, and inspecting the automobile's registration and proof of insurance." *Id*. at 355. Officer-safety concerns cannot justify extending a traffic stop to conduct a canine sniff, though, since "[h]ighway and officer safety are interests different in kind from the Government's endeavor to detect crime in general or drug trafficking in particular." *Id.* at 357. And a canine sniff is not usually part of a traffic stop but rather is used to detect criminal wrongdoing. *Id.* at 355-357. Although an officer "may conduct certain unrelated checks during an otherwise lawful traffic stop," he or she "may not do so in a way that prolongs the stop, absent the reasonable suspicion ordinarily demanded to justify detaining an individual." *Id.* at 355.

{¶ 28} Accordingly, while *Rodriguez* does acknowledge that officer-safety concerns during a traffic stop may justify certain negligibly burdensome precautions, the safety concerns must relate to the traffic-stop mission. *Id.* at 356-357. Officer safety does not justify prolonging a stop for a canine sniff since a sniff is not part of a traffic stop's mission. *Id.* at 357. This means that prolonging a

traffic stop to ensure officer safety before conducting a canine sniff is unconstitutional, because prolonging the stop is not necessary to complete the ordinary inquiries incident to the stop. *See id.* Indeed, this aligns with *Rodriguez*'s overall holding that law enforcement cannot extend a traffic stop any longer than the time reasonably required to complete the traffic-stop mission—which does not include a canine sniff or any safety precautions taken related to the sniff. *See id.* at 355. Therefore, *Rodriguez* provides no officer-safety exception to the Fourth Amendment.

D. The State's Argument Fails

{¶ 29} It is important to note that the State's theory as to why the search and seizure at issue here was reasonable has shifted over the course of the proceedings. In the trial-court proceedings, the State conceded that Deputy Campbell had extended the traffic stop, but it claimed he had done so lawfully because he had had prior information that Kincaid was trafficking drugs in Meigs County.

{¶ 30} Now before this court, although the State agrees in its merit brief that *Rodriguez* does not provide an officer-safety exception that permits extending a traffic stop, it has changed its theory of the case. It now claims that the traffic stop was not extended because Deputy Campbell was "still performing the administrative tasks associated with a traffic stop when Deputy Hutton arrived as backup."

{¶ 31} It is "the duty of this court . . . to determine whether the judgment of the court of appeals is right for any reason." *Collings-Taylor Co. v. Am. Fid. Co.*, 96 Ohio St. 123, 130 (1917). We therefore address the State's new theory, which has a glaring problem: the State failed to produce affirmative evidence during the suppression hearing to support a finding that Deputy Campbell was still performing administrative tasks associated with the traffic infraction when the canine indicated to the presence of narcotics—and it is only when the canine indicated that Campbell would have had probable cause to extend the stop.

{¶ 32} This court has held that when a defendant seeks to suppress evidence obtained through a warrantless search or seizure, the defendant must "(1) demonstrate the lack of a warrant, and (2) raise the grounds upon which the validity of the search or seizure is challenged in such a manner as to give the prosecutor notice of the basis for the challenge." *Wallace*, 37 Ohio St.3d 216, at paragraph one of the syllabus; *see also State v. Codeluppi*, 2014-Ohio-1574, ¶ 10. Once the defendant has established both factors, the burden of proof, including the burden of going forward with the evidence, shifts to the prosecutor, who must prove that probable cause existed for the search or seizure. *Wallace* at paragraph two of the syllabus. Therefore, the State bears the ultimate burden of proof to establish that the Fourth Amendment has not been violated. *State v. Wintermeyer*, 2019-Ohio-5156, ¶ 18.

{¶ 33} "'Burden of proof' encompasses two aspects: the burden of going forward with evidence (or burden of production) and the burden of persuasion." *Wallace* at 219, citing *State v. Robinson*, 47 Ohio St.2d 103, 107 (1976). "The party having the burden of production on a particular issue will lose on that issue as a matter of law if the party does not produce evidence sufficient to make out a case for the trier of fact." *State v. Nicholas*, 2022-Ohio-4276, ¶ 25. "The burden of persuasion, on the other hand, 'refers to the risk which is borne by a party if the [trier of fact] finds that the evidence is in equilibrium.' " (Bracketed text added in *Nicholas*.) *Id*., quoting *Robinson* at 107. "'The party with the burden of persuasion will lose if he fails to persuade the trier of fact that the alleged fact is true by such quantum of evidence as the law demands.' " *Id*., quoting *Robinson* at 107. If the State is on notice of the basis of a defendant's challenge and fails to meet its burden, it does not receive a second chance to do so. *See, e.g.*, *Wallace* at 221 ("The prosecutor waived argument, did not present evidence, and declined the court's offer of additional time in which to respond. Therefore, we find that the state failed

to meet its burden of proof on the issue of whether there was probable cause to administer [a breathalyzer] test.").

{¶ 34} Here, Kincaid had to place the State on notice of his assertion that his Fourth Amendment rights were violated when Deputy Campbell unreasonably prolonged the traffic stop. He did that. In his motion to suppress, Kincaid said that Campbell had "expanded the purpose and duration of the stop into a drug investigation by searching [his] vehicle with a police [canine]." Kincaid also claimed that extending the stop "was not supported by probable cause or reasonable suspicion" and that he "was subjected to an . . . unlawful extension of [the] seizure" in violation of the Fourth Amendment. In its brief opposing Kincaid's motion to suppress, the State acknowledged that Kincaid had raised the issue of an "[u]nlawful extension of [the] seizure."

{¶ 35} The burden to prove the validity of the search and seizure therefore fell on the State, and it had to produce sufficient evidence showing that Deputy Campbell did not unreasonably extend the traffic stop to perform the canine sniff. That is, it had to affirmatively establish the seizure's constitutionality.

{¶ 36} But the State failed to meet its burden to show that the seizure of Kincaid was no longer than necessary to address the traffic stop's mission. The record does not provide any definitive evidence concerning when the administrative tasks were completed, which the State admits in its merit brief:

> Prior to Deputy Hutton's arrival, Deputy Campbell asked the dispatcher to run both [Kincaid's] and [his passenger's] license for a criminal history and to check for warrants, and at some point, Deputy Campbell learned that neither had warrants. Deputy Campbell did not testify that those checks and other tasks associated

with the stop were completed before Deputy Hutton arrived on scene as backup.

{¶ 37} As the party with the burden, it was the State's responsibility to develop the record in a way that would show that the administrative tasks were ongoing. And it could have done so in a number of ways. However, all we know, as the State says in its merit brief, is that "*at some point*, Deputy Campbell learned that neither [Kincaid nor his passenger] had warrants." (Emphasis added.) The State is correct in its stating that "Deputy Campbell did not testify that those [criminal history and warrant] checks and other tasks associated with the stop were completed before Deputy Hutton arrived on scene as backup." What the State fails to acknowledge is that Campbell also did not testify that the administrative tasks were ongoing when the canine indicated, nor did Campbell provide any testimony concerning the timing of when he received the results of the checks from dispatch. Further, Campbell never testified about how long it would have taken him to issue a warning or a ticket. *See State v. Batchili*, 2007-Ohio-2204, ¶ 13 (record established that "at the time the dog alerted, . . . Trooper Arnold was still waiting for the results of the criminal-background check. She further testified that it would take her approximately five to ten minutes to issue a warning, and anywhere from ten to 20 minutes to issue an actual citation."). Additionally, the record shows that there were logs that could have established the sequence of events, but the prosecutor did not enter those into evidence.

{¶ 38} Consequently, there is no evidence showing that the canine sniff occurred while the administrative tasks associated with the traffic stop were still ongoing. And this means that the State failed to meet its burden. Therefore, we conclude that Kincaid's Fourth Amendment rights were violated, and the remedy for that violation is suppressing the evidence discovered during the unlawful

seizure. *See State v. Johnson*, 2014-Ohio-5021, ¶ 40. The trial court should have granted Kincaid's motion to suppress.

E. The Dissenting Opinion's Arguments Fail

{¶ 39} Despite the State's admission that Deputy Campbell did not testify about when he received the results of the license and warrant checks, the dissenting opinion nevertheless asserts that it can infer that administrative tasks were ongoing when the canine sniff occurred. It relies on the sequence of events—after Deputy Campbell called for backup, he had Kincaid's and his passenger's licenses checked through dispatch. Because of the short length of time it took Deputy Hutton to arrive, the dissent infers that at least some traffic-stop inquiries remained ongoing when the canine indicated. In essence, the dissent is inferring that the license and warrant checks took more than 5 to 10 minutes.

{¶ 40} Of course, there is no way to know on this record how long the checks took to run—it could have been nearly instantaneous for all we know—so the dissent is merely stabbing in the dark; it makes an assumption, not an inference. The dissent then claims that its inference is supported by the following exchange between defense counsel and Deputy Campbell:

> Q: Ok. That's fair enough. And, during the . . . I just want to be clear, *during* that five to ten (10) minutes, that you were waiting for Deputy Hutton to arrive, um, you did not, uh, you did not run a criminal history or anything of that sort at that time for Mr. Kincaid, correct?
>
> A: Uh, I ran both of their licenses, uh, when dispatch runs them, there's . . . there's . . . they should bring up the criminal history at that point.

Q: And, nothing . . . no warrants or anything like that that you were holding Mr. Kincaid on, correct?

A: No.

(Ellipses in original and emphasis added.) According to the dissent, this testimony supports its inference that the traffic-stop inquiries remained ongoing during the 5-to-10-minute wait for Hutton.

{¶ 41} Importantly, however, Deputy Campbell's response—"I ran both of their licenses . . . ."—was phrased in the past tense, which does not suggest that the license and warrant checks were ongoing for the duration of the 5-to-10-minute wait. Instead, it signals that the checks had been completed. Campbell did not say that he was still running them during the five-to-ten-minute wait. And he indicated that the results of the license checks would be available "at that point" when he ran them.

{¶ 42} Then, Deputy Campbell testified that his reason for holding Kincaid and his passenger during the 5-to-10-minute wait was not because of a warrant—Campbell confirmed that there were "no warrants or anything like that." Had the license and warrant checks been ongoing, one would naturally expect Campbell to have said that he did not know at the time whether Kincaid or his passenger had outstanding warrants for their arrest. But that is not what Campbell testified to.

{¶ 43} The dissent acknowledges that Deputy Campbell did not testify to when the license and warrant checks were completed or when he learned that there were no outstanding warrants. And that acknowledgement by the dissent reveals the flaw in its analysis: the dissent draws its inference that the traffic-stop inquiries were ongoing from thin air.

{¶ 44} Inferences are reasonable only if they have sufficient support from the evidence. *See State v. Italiano*, 18 Ohio St.3d 38, 41 (1985) (noting, in response to an argument that circumstantial evidence did not support an inference of an intent

to influence, that "there was direct evidence of [the] defendant's intent to influence the officers and, thus, there was sufficient support for the inference that defendant intended to seek a reduction to the least charge possible, reckless operation"), *overruled on other grounds by State v. Jenks*, 61 Ohio St.3d 259 (1991); *State v. Dickerson*, 45 Ohio St.3d 206, 215 (1989) ("In our view, the three-judge panel, as the trier of fact, could have reasonably found that appellant specifically intended to kill McCoy by inference from the direct evidence."). Fact-finders cannot "draw '[a]n inference based . . . entirely upon another inference, unsupported by any additional fact.' " (Bracketed text and ellipsis added in *Cowans*.) *State v. Cowans*, 1999-Ohio-250, ¶ 62, quoting *Hurt v. Charles J. Rodgers Transp. Co.*, 164 Ohio St. 329 (1955), paragraph one of the syllabus.

{¶ 45} We do not hold that a reasonable inference on the subject here requires evidence of precise timing, testimony identical to that in another case, time stamps, or dispatch logs; but we hold that it does require *something* in the evidence indicating when Deputy Campbell received the results of the administrative tasks in the sequence of events: his testimony or something else probative on the merits.

{¶ 46} The facts in the record do not support the dissent's inferences. The only part of the timeline that we do know—and even it is not definitive—is that Deputy Campbell was waiting around five to ten minutes for Deputy Hutton to arrive before he conducted the canine sniff. We do not know when in the sequence of events he received the results of the license and warrant checks from dispatch. We do not know when exactly the canine sniff occurred. We do not know when in the sequence of events the canine indicated to the presence of narcotics.

{¶ 47} Quite simply, we do not know whether the results of the license and warrant checks were relayed to Campbell before the canine indicated. That is fatal to the State's case. Without affirmative proof that the administrative tasks accompanying the traffic stop remained ongoing when the canine indicated, the State cannot satisfy its burden of proof to survive the motion to suppress.

{¶ 48} Even if we were to make inferences, the ones drawn by the dissenting opinion are not reasonable given the record before us. The license and warrant checks are mentioned only once during the suppression hearing: in a question Kincaid's attorney asked Deputy Campbell during cross-examination. The exchange has been quoted above, but it bears repeating here:

> Q: Ok. That's fair enough. And, during the . . . I just want to be clear, during that five to ten (10) minutes, that you were waiting for Deputy Hutton to arrive, um, you did not, uh, you did not run a criminal history or anything of that sort at that time for Mr. Kincaid, correct?
>
> A: Uh, I ran both of their licenses, uh, when dispatch runs them, there's . . . there's . . . they should bring up the criminal history at that point.
>
> Q: And, nothing . . . no warrants or anything like that that you were holding Mr. Kincaid on, correct?
>
> A: No.

(Ellipses in original.) Nowhere else in the transcript are the license and warrant checks mentioned. It can hardly be said that this testimony provides sufficient evidence to reasonably infer anything about when Campbell received the results of the checks.

{¶ 49} However, if an inference must be made, the reasonable one is that the results came back while Deputy Campbell waited for Deputy Hutton. In the question, Kincaid's attorney is discussing the five-to-ten-minute waiting period. Campbell responds that he radioed dispatch to check Kincaid's and his passenger's information and then agrees that he was not holding them because of anything

arising from those checks. That leads to the logical conclusion that Campbell knew the results of the checks since he was not holding Kincaid because of an outstanding warrant. The logical inference, then, is that Campbell was holding Kincaid to conduct a canine sniff, meaning the results of the license and warrant checks came back before he conducted the sniff.

{¶ 50} The dissent maintains that deference to the trial court requires this court to find that Deputy Campbell did not extend the stop for the canine sniff. It says, "[A]lthough the trial court did not expressly determine when Deputy Campbell received the results of the license checks, its findings concerning the brief duration of the wait, considered together with Campbell's testimony, are consistent with the conclusion that Campbell had not completed or unreasonably prolonged the traffic-stop mission when the canine alerted." Dissenting opinion at ¶ 76. Again, the dissent tries to make something out of nothing.

{¶ 51} The trial-court finding on which the dissent relies is the following: "The very short delay, of approximately 5 minutes, between the initial traffic stop[] for marked lanes violations and the arrival of the other officer was not an unreasonable delay of the time necessary to complete the initial purpose of the stop." But read that more carefully—the trial court actually found that waiting for Deputy Hutton was a "delay of the time necessary to complete the initial purpose of the stop." The trial court understood that the stop had been extended by Deputy Campbell after the initial mission of the traffic stop had been completed—it just did not believe that extending the stop was unreasonable (because it believed there was reasonable suspicion of drug trafficking "justifying an extension" of the stop). But as we explained above, extending the seizure was not permitted by the Fourth Amendment, because Campbell lacked reasonable suspicion in this case. The trial court's finding therefore does not support the dissent's inferences but in fact cuts against them.

{¶ 52} In the end, without any evidence on the subject or a legal basis to make a reasonable inference, the dissenting opinion would hold that the State met its burden of proof. It does so by essentially presuming that since the stop was so brief and since nothing in the record proves when the administrative tasks were completed, the administrative tasks must have been ongoing when the canine sniff occurred.

{¶ 53} The legal consequence of the dissenting opinion's reasoning is that a defendant would bear the burden of production to rebut a presumption that a stop was constitutional. *See Ayers v. Woodard*, 166 Ohio St. 138, 144 (1957) (explaining that a presumption completes a prima facia case, "which would shift to defendants the burden of going forward with evidence tending to prove the contrary"). He or she would have to prove a negative—that the administrative tasks were *not* ongoing. But such reasoning is contrary to our decision in *Wallace*, 37 Ohio St.3d at 219-220, and to the Supreme Court of the United States's decision in *Rodriguez*, 575 U.S. at 354-355, 357. Once the defendant has demonstrated the lack of a warrant and raised grounds challenging the seizure, the burden is on the State to establish the constitutionality of the continued detention. *Wallace* at 220.

{¶ 54} This court is obligated to reach the only permissible conclusion given the record developed by the prosecutor: we simply do not know whether the administrative tasks were ongoing *when* the canine indicated. Therefore, the party with the burden of proof, the State, must lose. *See, e.g.*, *Wallace* at 221 (upholding the suppression of evidence because "the state failed to meet its burden of proof on the issue of whether there was probable cause to administer [a breathalyzer] test.").

{¶ 55} Based on the record before this court, the State has failed to meet its burden of proof. Therefore, Kincaid's Fourth Amendment rights were violated, and the evidence against him must be suppressed. *See Johnson*, 2014-Ohio-5021, at ¶ 40.

III. Conclusion

{¶ 56} There is no officer-safety exception to the Fourth Amendment in *Rodriguez*, 575 U.S. 348. And here, the State failed to meet its burden of production to show that the administrative tasks associated with the traffic stop were ongoing when the canine indicated. Consequently, we hold that Kincaid's Fourth Amendment rights were violated. Therefore, we reverse the Fourth District Court of Appeals' judgment and remand the matter to the trial court for proceedings consistent with this opinion.

Judgment reversed
and cause remanded.

SHANAHAN, J., dissenting.

{¶ 57} I agree with the majority that *Rodriguez v. United States*, 575 U.S. 348 (2015), does not recognize an officer-safety exception that permits law enforcement to prolong a traffic stop to conduct a canine sniff. But that determination does not resolve this case. The dispositive question is whether Meigs County Sheriff's Deputy Tylun Campbell prolonged the traffic stop of appellant, John P. Kincaid, to conduct the canine sniff—that is, whether tasks tied to the traffic infraction had been, or reasonably should have been, completed before the canine alerted. Because the evidence permits the reasonable inference that the traffic-stop mission remained ongoing when the canine alerted, I would affirm the judgment of the Fourth District Court of Appeals. Because this court does otherwise, I respectfully dissent.

I. Relevant Facts

{¶ 58} Deputy Campbell initiated a traffic stop of Kincaid after observing him make two marked-lanes violations. After informing Kincaid of the reason for the stop, Campbell called another deputy, Deputy Hutton, to the scene as backup because Campbell intended to conduct a canine sniff, it was dark, and there were

two occupants in the vehicle. While waiting for Hutton, Campbell asked dispatch to run license checks on Kincaid and his passenger; Campbell testified that those checks also bring up criminal-history information. While waiting for Hutton, Campbell asked Kincaid and his passenger whether there were narcotics in the vehicle. Hutton arrived approximately five to ten minutes after Campbell requested backup. After Hutton arrived, Campbell retrieved his canine from his vehicle and conducted the sniff, during which the canine alerted to the driver's-side front door. The deputies then searched the vehicle and found heroin, fentanyl, and cash.

{¶ 59} Appellee, the State of Ohio, indicted Kincaid, and thereafter Kincaid moved to suppress the evidence obtained from the search of his vehicle. The trial court denied the motion. It concluded that the approximately five-minute interval between the initial traffic stop and Deputy Hutton's arrival was not an unreasonable delay in completing the initial purpose of the stop. Kincaid later pleaded no contest. After sentencing, Kincaid appealed.

{¶ 60} The Fourth District affirmed the judgment of the trial court. Though the Fourth District noted the absence of detailed testimony concerning the "normal general administrative" tasks associated with the traffic stop and when those tasks were completed, it concluded that the wait for Deputy Hutton to arrive did not unreasonably extend the stop, relying in part on officer-safety concerns. 2024-Ohio-2668, ¶ 26-28 (4th Dist.). The majority now reverses because in its view, the State failed to produce sufficient evidence establishing that the administrative inquiries associated with the traffic stop remained ongoing when the canine alerted.

{¶ 61} That conclusion gives insufficient weight to the direct evidence in the record and the reasonable inferences that may be drawn from that evidence.

II. *Rodriguez* Does Not Require Suppression Given the Evidence in This Case

A. The traffic-stop mission, not the officer's subjective focus, controls

{¶ 62} A traffic stop is a seizure, the permissible duration of which is determined by its mission: addressing the traffic violation that warranted the stop and attending to related safety concerns. *Rodriguez*, 575 U.S. at 354. That mission ordinarily includes checking the driver's license, determining whether there are outstanding warrants, and inspecting the vehicle's registration and proof of insurance. *Id.* at 355. Authority for the seizure ends when those tasks are—or reasonably should have been—completed. *Id.* at 354.

{¶ 63} *Rodriguez* therefore prohibits an officer from adding time beyond the time reasonably required to complete the traffic-stop mission for the purpose of conducting a canine sniff, absent independent reasonable suspicion justifying the additional detention. *Id.* at 354-357. But *Rodriguez* does not overrule other precedent from the United States Supreme Court holding that the Fourth Amendment to the United States Constitution is not violated by an officer's developing an interest in unrelated criminal activity or asking unrelated questions, so long as ordinary traffic-stop inquiries remain underway. *See Arizona v. Johnson*, 555 U.S. 323, 333 (2009) (unrelated inquiries do not render a seizure unlawful so long as they do not measurably extend the duration of the stop).

{¶ 64} In this case, the evidence shows that during the time before Deputy Hutton arrived, Deputy Campbell initiated the license checks through dispatch. Hutton arrived approximately five to ten minutes after Campbell radioed for backup, and Campbell then conducted the canine sniff.

{¶ 65} Deputy Campbell also testified that while waiting for backup he asked Kincaid and his passenger questions about suspected drug activity. Although Campbell testified that his investigation of the marked-lanes violations was "over" once he told Kincaid why Kincaid had been stopped, that testimony does not

establish that the traffic-stop mission had objectively ended. The mission of a traffic stop goes beyond investigating the observed violation itself and includes inquiries such as checking the driver's license and determining whether there are outstanding warrants against the driver. *See Rodriguez*, 575 U.S. at 355. That is, performing license checks remains "part of the permissible mission" of a lawful traffic stop "even after the initial reason for the stop was resolved." *State v. Dunlap*, 2024-Ohio-4821, ¶ 24 (lead opinion); *see also State v. Fips*, 2026-Ohio-1207, ¶ 12 (adopting the lead opinion in *Dunlap*). Thus, Campbell's subjective characterization of his investigation into the marked-lanes violations as being "over" does not resolve whether, objectively, permissible tasks incident to the stop remained ongoing. *See State v. Jackson*, 2022-Ohio-4365, ¶ 16 (objective inquiry of officer's conduct revealed his intent in opening the suspect's car door was to secure the suspect, not to obtain information); *see also Graham v. Connor*, 490 U.S. 386, 397 (1989) (stating in excessive-force case that the question is whether an officer's actions were objectively reasonable in light of the facts and circumstances, without regard to underlying intent or motivation). Under *Rodriguez*, to determine whether a traffic stop exceeded the permissible duration of the traffic-stop's mission, a court must ask whether ordinary traffic-stop inquiries had been, or reasonably should have been, completed.

B. Deputy Campbell's testimony and the reasonable inferences drawn from it were sufficient to satisfy the State's burden

{¶ 66} The majority is correct that the State bears the burden to establish the lawfulness of the warrantless seizure. *See Xenia v. Wallace*, 37 Ohio St.3d 216, 219-220 (1988). That burden, however, does not require every fact bearing on the constitutionality of the seizure to be established through direct evidence. A fact-finder may draw reasonable inferences from direct evidence. *See, e.g.*, *State v. Dickerson*, 45 Ohio St.3d 206, 215 (1989).

{¶ 67} The majority recognizes that the burden of proof encompasses two distinct obligations: the burden of production and the burden of persuasion. *See State v. Nicholas*, 2022-Ohio-4276, ¶ 25. The burden of production requires a party to present evidence sufficient to make out a case for the trier of fact, while the burden of persuasion concerns whether that evidence ultimately convinces the trier of fact. *Id.* This court has explained that satisfying the burden of production is similar to satisfying the standard governing the sufficiency of the State's evidence. *State v. Palmer*, 2024-Ohio-539, ¶ 20, citing *State v. Messenger*, 2022-Ohio-4562, ¶ 25. Under that analogous standard, the question is whether the evidence and reasonable inferences drawn from it, viewed in the light most favorable to the State, would permit a rational trier of fact to make the necessary finding. *See Messenger* at ¶ 25. The inquiry concerns the adequacy of the evidence, not its persuasiveness. *Palmer* at ¶ 21.

{¶ 68} Here, Deputy Campbell's testimony established the relevant sequence of events. After stopping Kincaid, Campbell requested backup. While he was waiting approximately five to ten minutes for Deputy Hutton to arrive, he had Kincaid's and his passenger's licenses checked through dispatch. After Hutton arrived, Campbell conducted the canine sniff. Based on that sequence of events and because of the brief duration of the wait, I would conclude that the record permits the reasonable inference that some ordinary traffic-stop inquiries remained ongoing when the canine alerted. That conclusion is an inference from direct evidence concerning the sequence of events and the duration of the wait; it is not a presumption arising from an absence of evidence, as the majority surmises. Moreover, this reasoning does not shift the burden to Kincaid; the State retains the burden of establishing the seizure's constitutionality, and the question is whether the evidence the State presented, along with the reasonable inferences drawn from that evidence, satisfies the State's burden of production.

{¶ 69} Significantly, Kincaid's attorney asked Deputy Campbell, "[D]uring [the] five to ten (10) minutes that you were waiting for Deputy Hutton to arrive, . . . you did not run a criminal history or anything of that sort at that time for Mr. Kincaid, correct?" Campbell responded, "Uh, I ran both of their licenses," and then he explained that when dispatch runs the licenses, the criminal-history information is usually returned at that point. Thus, defense counsel's question was framed in the negative, suggesting a belief that Campbell had not performed the license checks during the waiting period. And Campbell's testimony disproved that belief and established that he did perform the checks during the waiting period. Although Campbell did not expressly testify when the checks were completed, his response provides affirmative evidence that he performed administrative inquiries in connection with the stop. Considered together with the sequence of events and the brief duration of the wait, the testimony permits the reasonable inference that the administrative inquiries remained ongoing when the canine alerted. That inference rests on evidence in the record, rather than on the absence of testimony establishing when the checks were completed.

{¶ 70} The majority says this inference is impermissible. Though the majority would not require precise timing evidence, time stamps, or dispatch logs, it nevertheless requires evidence indicating when Deputy Campbell received the results of the license checks. In my view, the majority gives insufficient consideration to the record. The question is whether the record and reasonable inferences drawn from it, viewed in a light most favorable to the State, provide a sufficient evidentiary basis for the conclusion that the administrative inquiries remained ongoing when the canine alerted. I would conclude that they do.

{¶ 71} To justify its contrary conclusion, the majority goes beyond a burden-of-production analysis and draws its own inference concerning the timing of the results of the license checks from dispatch. The majority concludes that the "reasonable" inference is that Deputy Campbell received the results of the license

checks while waiting for Deputy Hutton, i.e., before Campbell conducted the canine sniff. Majority opinion, ¶ 49. It reasons that because Campbell acknowledged that he was not holding Kincaid on an outstanding warrant, he must have received the results before conducting the sniff. But Campbell's acknowledgment that he was not holding Kincaid on an outstanding warrant does not establish *when* he learned that there were no outstanding warrants. His acknowledgement addressed only whether an outstanding warrant justified the detention, not whether Campbell had received from dispatch the results of the license checks before the canine alerted. Deciding which inference is more reasonable is a matter of persuasion, not of production. It is the purview of the trier of fact "to weigh competing inferences, and to accept the one which it finds to be more reasonable." *State v. Vondenberg*, 61 Ohio St.2d 285, 289 (1980). That the majority considers its inference more persuasive does not necessarily render the contrary inference legally insufficient.

{¶ 72} The question is not which interpretation the majority finds more persuasive; it is whether the State presented evidence permitting a reasonable inference that the administrative inquiries remained ongoing. Because Deputy Campbell's testimony and the sequence of events provide a foundation for that inference, the majority's preference for a competing interpretation does not render the State's evidence legally insufficient.

{¶ 73} Moreover, my conclusion that administrative inquiries remained ongoing is not based on impermissibly stacking inferences. Deputy Campbell's testimony that he ran the license checks was in response to defense counsel's questioning concerning what Campbell was doing during the waiting period. From that testimony, together with the sequence of events and the short duration of the wait, a fact-finder could reasonably infer that the administrative inquiries remained ongoing when the canine alerted. That inference does not depend on first assuming an unsupported fact and then drawing another inference from that assumption. Rather, it rests on the evidence that the license checks were initiated during the

wait. Whether that inference is ultimately persuasive is a separate question from whether the evidence is sufficient to permit the inference.

{¶ 74} The majority's conclusion ultimately rests on its determination that the record does not establish when Deputy Campbell received the results of the license checks. But the burden of production does not require direct proof of every fact necessary to establish the lawfulness of a seizure. Because Campbell's testimony provides a sufficient evidentiary basis for the reasonable inference that ordinary traffic-stop inquiries remained ongoing when the canine alerted, I would conclude that the State satisfied its burden of production. The State retains the ultimate burden of persuasion, but the absence of direct testimony concerning when Campbell received the results of the license checks from dispatch does not necessarily render the evidence it presented insufficient. The brief duration of the wait, together with Campbell's testimony concerning the administrative inquiries undertaken during this period, provides a basis for concluding that the time reasonably necessary to complete the traffic-stop mission had not elapsed when the canine alerted. Campbell's testimony supports affirmance of the trial court's judgment denying suppression. And as explained below, the trial court's findings further bolster this conclusion.

C. The trial court's findings further support affirmance

{¶ 75} The trial court expressly found that "[t]he very short delay, of approximately 5 minutes, between the initial traffic stop for marked lanes violations and the arrival of the other officer was not an unreasonable delay of the time necessary to complete the initial purpose of the stop." The trial court made no express finding concerning when the ordinary traffic-stop inquiries were completed or whether they remained ongoing when the canine alerted. The trial court relied on officer-safety concerns and Deputy Campbell's suspicion of drug activity, neither of which provides a sufficient independent basis for extending the traffic stop on this record. But the trial court's finding concerning the five-minute interval

while Campbell waited for backup remains relevant to the chronology. The trial court's characterization of the interval as a delay does not, by itself, establish that the ordinary traffic-stop inquiries had been completed before the canine alerted.

{¶ 76} Nevertheless, the trial court found that the five-minute wait for Deputy Hutton did not create an unreasonable delay in completing the initial purpose of the stop. The trial court's referring to the time necessary "to complete" the initial purpose of the stop is consistent with the inquiry under *Rodriguez*: whether the officer diligently pursued the ongoing traffic-stop mission and whether the canine sniff added time to the stop. *See Rodriguez*, 575 U.S. at 357. Thus, although the trial court did not expressly determine when Deputy Campbell received the results of the license checks, its findings concerning the brief duration of the wait, considered together with Campbell's testimony, are consistent with the conclusion that Campbell had not completed or unreasonably prolonged the traffic-stop mission when the canine alerted.

{¶ 77} The trial court's factual findings must be accepted to the extent they are supported by competent, credible evidence, while the application of the Fourth Amendment to those facts is reviewed independently. *See State v. Toran*, 2023-Ohio-3564, ¶ 14. In my view, the trial court's factual findings concerning the brief interval before Deputy Hutton's arrival, considered with Deputy Campbell's testimony concerning the administrative inquiries undertaken during that interval, support the conclusion that the traffic-stop mission remained ongoing when the canine alerted.

III. Conclusion

{¶ 78} *Rodriguez* prohibits prolonging a traffic stop beyond the time reasonably necessary to complete its mission for the purpose of conducting an unrelated canine sniff absent independent reasonable suspicion. It does not require suppression when at the time the canine alerts, ordinary traffic-stop inquiries remain ongoing and the reasonable time for completing them has not elapsed. I

would conclude that Deputy Campbell's testimony concerning the sequence of events, considered with the brief duration of the wait and trial court's related findings, provided a sufficient evidentiary basis for the reasonable inference that some ordinary traffic-stop inquiries remained ongoing when the canine alerted. Accordingly, I would hold that Kincaid's Fourth Amendment rights were not violated and would affirm the judgment of the Fourth District Court of Appeals. Because the majority does otherwise, I respectfully dissent.

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D. Andrew Wilson, Attorney General, Mathura J. Sridharan, Solicitor General, and Jana M. Bosch, Deputy Solicitor General, urging affirmance for amicus curiae, Ohio Attorney General D. Andrew Wilson.
