**[Cite as *State v. Jordan*, 2026-Ohio-4614.]**

# IN THE COURT OF APPEALS
# FIRST APPELLATE DISTRICT OF OHIO
# HAMILTON COUNTY, OHIO

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| STATE OF OHIO, | : | APPEAL NO. C-260135<br>TRIAL NO. B-2502408-B |
| Plaintiff-Appellee, | : | |
| vs. | : | |
| MICHAEL JORDAN, | : | |
| Defendant-Appellant. | : | *JUDGMENT ENTRY* |

This cause was heard upon the appeal, the record, and the briefs.

For the reasons set forth in the Opinion filed this date, the judgment of the trial court is affirmed in part and reversed in part, and the cause is remanded.

Further, the court holds that there were reasonable grounds for this appeal, allows no penalty, and orders that costs be taxed 50% to appellant and 50% to appellee.

The court further orders that (1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

**To the clerk:**

**Enter upon the journal of the court on 11/20/2026.**

**Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.**

**By:_____**
**Administrative Judge**

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| Plaintiff-Appellee, | : | |
| vs. | : | *O P I N I O N* |
| MICHAEL JORDAN, | : | |
| Defendant-Appellant. | : | |

Criminal Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Affirmed in Part, Reversed in Part, and Cause Remanded

Date of Judgment Entry on Appeal: November 20, 2026

*Connie Pillich*, Hamilton County Prosecuting Attorney, and *Norbert Wessels,* Assistant Prosecuting Attorney, for Plaintiff-Appellee,

*Bryan R. Perkins*, for Defendant-Appellant.

**ZAYAS, Presiding Judge.**

**{¶1}** After pleading no contest, Michael Jordan was convicted of having a weapon while under a disability ("WUD"), carrying a concealed weapon ("CCW"), improperly handling a firearm in a motor vehicle, and possession of cocaine. Prior to entering the pleas, Jordan filed a motion to suppress the evidence found in the vehicle and on his person, arguing that the police did not have reasonable suspicion to stop the vehicle or to extend the traffic stop to await a drug-sniffing dog.

**{¶2}** On appeal, Jordan contends that the trial court erred in overruling his motion to suppress and erred by imposing separate sentences on allied offenses. The State concedes the sentencing error. For the following reasons, we affirm the judgment of the trial court in part, reverse the judgment in part, and remand the cause to the trial court for a new sentencing hearing.

## Factual Background

**{¶3}** Following a traffic stop, Jordan, who was a passenger in a vehicle, was arrested when the police found a gun in a bag behind the passenger's seat and cocaine in his pants pocket. Jordan's codefendant and the driver of the vehicle, who was also arrested for a gun in a backpack behind the driver's seat, filed a motion to suppress all the evidence, challenging the reasonable suspicion to stop the vehicle. Jordan also contended that the officer unlawfully extended the stop to await a drug-sniffing dog. Jordan joined in his codefendant's motion to suppress and filed his own motion arguing the police did not have probable cause to stop the vehicle.

## Motion to Suppress

**{¶4}** At the hearing on the motion to suppress, the parties jointly submitted body-worn-camera ("BWC") videos of the two officers and a cruiser video ("MVR") of

the stop. Jordan alleged that the traffic stop was pretextual, and that he was unlawfully detained while awaiting the arrival of a K-9.

**{¶5}** A Cincinnati Police Department ("CPD") officer testified that he initially encountered Jordan at a gas station. As the officer pulled into the gas station, his partner informed him that Jordan made a furtive movement. As the officers pulled into the parking lot, Jordan turned his body away from them and placed something in the rear of the vehicle. When the vehicle pulled out of the gas station, the officer followed it to a light. The vehicle was stopped at the light for a while, then activated a left-turn signal, and proceeded to turn left, failing to stay in the proper lane. The vehicle had a heavy window tint.

**{¶6}** The officer initiated a stop and asked the driver for his license, registration, and insurance and asked if there were any firearms or marijuana in the vehicle. Initially, the driver hesitated to answer, so the officer asked a second and third time. The driver finally responded that there was nothing in the vehicle.

**{¶7}** The officer returned to his vehicle and queried the driver. He also retrieved Jordan's identification from his partner who had approached Jordan after the stop. The officer's BWC video was admitted and played. The officer issued two citations to the driver, one for improper change of course and one for window tint. He testified that when issuing traffic tickets, he awaits information from RCIC and LEADS, which includes a driving history, any open warrants, or open suspensions. The information appears on multiple different pages on the computer. In this case, he had to write two separate citations. The officer requested a canine officer two minutes into the stop. The officer testified that the canine officer arrived in 13 minutes according to the video.

**{¶8}** While the officer was completing the tickets, he saw a struggle at the

driver's side of the vehicle. He believed it occurred when his partner asked the driver to exit from the vehicle to allow for the canine sniff. The driver was placed under arrest for failing to comply with a police order. The officer searched the vehicle prior to towing it. The officer found two guns in the car, one in a backpack behind the driver's seat and one in a bag behind the passenger's seat.

**{¶9}** During cross-examination, the officer's MVR recording was played. The officer explained that when he initiated the cruiser lights, it activated the MVR, which has a 30-second rollback that shows video but has no audio. When the officer approached the driver, he informed him that the law required him to activate his turn signal 100 feet before the turn. The driver explained that his signal was delayed because he was following directions.

**{¶10}** The officer further testified he and his partner were on road patrol that day. They were assigned to patrol that area because it is a high-traffic area with numerous accidents. They were not participating in any drug or crime task force. The officer's report listed window tint and improper change of course as the reasons for the stop. The officer explained that the Cincinnati Municipal Code ("CMC") requires a driver to activate a turn signal 100 feet before a vehicle turns or approaches an intersection. The officer testified that the driver also went over the sideline when he made the turn. The officer was suspicious about possible drugs or guns due to Jordan's furtive movements at the gas station. His partner saw the furtive movements and told him that it looked like Jordan was hiding something.

**{¶11}** The officer testified that the vehicle had a front-window tint that was too dark. His observation that the windshield was too dark was based on his inability to see the driver through the windshield. The officer's BWC video showed that after he obtained the driver's documents and the passenger's license, he engaged with the

computer and another electronic device located on the left side of the dashboard. Two minutes later, the officer exited from his vehicle and retrieved a clipboard and what appeared to be a book of citations from the trunk. The officer reentered the cruiser, interacted with the computer system, and began to write a citation. He completed the first citation 12 minutes after the initial stop and started writing the window-tint citation. A minute later, the canine officer approached the cruiser window. Then the officer placed a ticket on the cruiser dashboard and exited from the vehicle to assist in removing the driver from the car.

**{¶12}** The officer's partner testified that he observed Jordan at the gas station. Jordan had exited from the vehicle, saw the marked police cruiser, and immediately turned his head to face the rear passenger's side of the car and walked toward it. Jordan's hands were manipulating something near his waistband which suggested he was attempting to conceal his movements from the police. Jordan entered the rear passenger seat for a brief moment then exited from the rear passenger seat and got into the front driver's seat.

**{¶13}** The partner remained at the vehicle while the officer queried the identifications and wrote the citations. When the canine officer arrived, the partner asked the driver to exit from the vehicle. The driver refused, rolled up his window, and attempted to put the car in drive. The driver's refusal to exit from the vehicle and attempts to flee delayed the investigation, and the driver was arrested.

**{¶14}** On cross-examination, the partner testified that he did not see Jordan with any drugs or guns at the gas station. Jordan's movements and briefly sitting in the back seat of the car raised his suspicions that Jordan was trying to conceal something. The gas station was located in a known drug and crime area. He observed the window tint at the gas station and saw the driver fail to use a turn signal when

leaving the gas station.

**{¶15}** After the partner's testimony, the State argued that the three issues were the nature of the stop, the length of the stop, and the search of the vehicle. The officer testified that he stopped the vehicle due to window tint and an improper lane change. The video depicted the vehicle in the left lane, initially without a turn signal, and the driver belatedly activating the turn signal. The State argued that the officers had probable cause to stop the vehicle due to the window-tint and improper-turn-signal violations. The State further argued that the video depicted the officer writing the tickets with no indication of delay. The officer retrieved information from the computer and was required to write two citations. The video confirmed that the officer spent the time writing the citations, and did not look away, stop, put the pen down, or otherwise delay. The State contended that the canine arrived within a reasonable amount of time to issue two citations.

**{¶16}** Jordan argued that the stop was pretextual, and the officers stopped the vehicle due to their suspicions of guns or drugs. Additionally, the officer delayed issuing the citations until the canine arrived.

**{¶17}** The court overruled the motion to suppress, citing to *State v. Daniels*, 2024-Ohio-3392 (1st Dist.), which involved a motion to suppress where the defendant was stopped for window tint and an improper lane change. The court held that a stop is constitutionally valid if an officer has a reasonable suspicion that a motorist has committed a crime. The trial court in the instant case found the officers were legally justified in initiating the traffic stop. The court reviewed the video and noted the stop occurred on Queen City Avenue, a busy street. The court saw the officer engage with the driver, obtain the insurance and license, and look up the information on his computer for both the driver and Jordan. The officer was also required to spend time

looking up the code sections for the violations. The court found that the length of the stop was not unreasonable for the officer to conduct his business. With respect to the search, the court found that the behavior of the driver gave rise to probable cause to arrest him and conduct an inventory search of the vehicle.

## The Motion to Suppress was Properly Overruled

**{¶18}** In his first assignment of error, Jordan argues that the trial court erred in overruling his motion to suppress because the officer lacked probable cause to stop the vehicle and unconstitutionally prolonged the stop to conduct a canine search.

**{¶19}** "Appellate review of a motion to suppress presents a mixed question of law and fact." *State v. Burnside*, 2003- Ohio-5372, ¶ 8. An appellate court must accept the trial court's findings of fact if they are supported by competent, credible evidence, then independently determine whether the facts satisfy the applicable legal standard. *See State v. Childers*, 2023-Ohio-948, ¶ 7 (1st Dist.), citing *Burnside* at ¶ 8.

**{¶20}** Under the Fourth Amendment "a traffic stop is constitutionally valid if an officer has a reasonable and articulable suspicion that a motorist has committed, is committing, or is about to commit a crime." *State v. May*, 2008-Ohio-453, ¶ 7, citing *Delaware v. Prouse*, 440 U.S. 648, 663 (1979). If an officer's decision to stop a motorist for a criminal violation, including a traffic violation, is prompted by a reasonable and articulable suspicion considering all the circumstances, then the stop is constitutionally valid. *Id.* at ¶ 8. An officer may stop a vehicle based on probable cause "when an officer observes a driver commit a traffic offense." *Daniels*, 2024-Ohio-3392, at ¶ 7 (1st Dist.).

**{¶21}** Jordan contends that the purported traffic violations were a mere pretext for initiating the stop, rendering the stop unjustified, although he acknowledges that pretextual stops are permitted if otherwise justified by reasonable

suspicion or probable cause. He further argues that the delayed activation of the turn signal did not violate the law, and the tint on the side window was not unlawful. The State argues that the officer had reasonable suspicion and probable cause to initiate the traffic stop upon observing the two violations.

**{¶22}** Under CMC 506-80(a), a driver is required to signal his intent to turn "not less than 100 feet" before turning. Here, the trial court found, and the video depicted, that the driver activated his turn signal less than 100 feet before turning. With respect to the window-tint violation, the officer did not testify that the tint on the side window was unlawful. Rather, the officer testified that the front windshield of the vehicle was too heavily tinted, and he did not have the proper meter to test the windshield. Moreover, "whether a driver could ultimately be found guilty of a window-tint violation is not determinative of whether police had reasonable suspicion to conduct a traffic stop." *Id.* at ¶ 11. Accordingly, the officers had probable cause to stop the vehicle after observing the traffic violations.

**{¶23}** Jordan further argues that the duration of the stop was unlawfully extended to await the canine officer in violation of the Fourth Amendment.

**{¶24}** Temporarily detaining a driver during a traffic stop "constitutes a 'seizure' of 'persons' . . . [and] is thus subject to the constitutional imperative that it not be 'unreasonable' under the circumstances." *Whren v. United States*, 517 U.S. 806, 809-810 (1996). A traffic stop "must be temporary and last no longer than is necessary to effectuate the purpose of the stop." *Florida v. Royer*, 460 U.S. 491, 500 (1983). An officer's conduct that "exceed[s] the time needed to handle the matter for which the stop was made violates the Constitution's shield against unreasonable seizures." *See Rodriguez v. United States*, 575 U.S. 348, 350 (2015).

**{¶25}** In *Rodriguez*, the Court held that police may not extend an otherwise

completed traffic stop to conduct a dog sniff, absent reasonable suspicion. *Id.* at 355. The Court further held that the tolerable duration of the stop depended upon the seizure's mission to address the violation that warranted the stop and attend to any safety concerns. *Id.* at 354, quoting *Illinois v. Caballes*, 543 U.S. 405, 407 (2002). An officer's mission includes checking the driver's license, determining whether there are any outstanding warrants, and reviewing the driver's registration and insurance. *Id.* at 355. When the stop exceeds the scope of the mission, the stop becomes unlawful if the officer "measurably extends the duration of the stop." *Id.*, quoting *Arizona v. Johnson*, 555 U.S. 323, 333 (2009).

**{¶26}** Here, relying on the video of the stop, the trial court found that the officer engaged with the driver, obtained the driver's insurance and identification, and returned to his cruiser. The officer looked up the information on his computer for both the driver and Jordan. Additionally, the trial court found that the officer spent time looking for the proper code violations to write the citations. Citing to *Rodriguez*, the court concluded "that the length of the stop was not unreasonable for the officer to conduct all of that business." *See id.* at 355.

**{¶27}** The record supports the trial court's determination. The video depicted the officer writing the tickets with no indication of delay after retrieving the information from the computer. The officer did not delay in writing the citations until the driver refused to exit from the vehicle. The video demonstrates that the officer pursued the traffic investigation and did not improperly extend the length of time required to issue two citations.

**{¶28}** Next, Jordan argues that his arrest and search were unlawful. As the State points out, Jordan did not challenge the search of his person or his arrest in his motion to suppress. Consequently, Jordan waived this argument for appellate review.

*See State v. Beckley*, 2025-Ohio-4829, ¶ 46 (1st Dist.); *State v. Lewis*, 2026-Ohio-1937, ¶ 33 (1st Dist.); *State v. Bishop*, 2025-Ohio-4743, ¶ 21 (1st Dist.).

**{¶29}** Accordingly, we overrule the first assignment of error.

## Sentences on Allied Offenses

**{¶30}** In his second assignment of error, Jordan contends that the trial court erred by imposing sentences on Counts 2 and 3 when those counts were merged into Count 1 as allied offenses.

**{¶31}** After the court overruled the motion to suppress, Jordan entered no-contest pleas to all four counts and represented that Counts 1, 2, and 3 would merge for sentencing. The State agreed that the charges merged under these circumstances. The court sentenced him to community control for four years. The court merged Counts 1, 2, and 3, but pronounced a sentence of "36 months on count 1 and 2." The court notified Jordan that if he violated community control, it would sentence him to 36 months on the first count and 12 months on the cocaine possession, to be served consecutively, for an aggregate term of 48 months.

**{¶32}** However, the sentencing entry reflected that the court sentenced him to four years of community control on Counts 1, 2, and 3. The entry further reflects that in the event of a community-control violation, the court would impose 12 months on Count 4, 18 months on Counts 2 and 3, and 36 months on Count 1 for any community control-violation, with the terms to be served consecutively for an aggregate term of 48 months.

**{¶33}** Jordan contends that the sentences on Counts 2 and 3 must be vacated. The State concedes the error and asks that this court remand the cause to the trial court for a new sentencing hearing. *See State v. Sexton*, 2025-Ohio-718, ¶ 46-47 (1st Dist.) (remanding the cause for a new sentencing hearing where the trial court

imposed separate terms on offenses that were subject to merger).

**{¶34}** Accordingly, we sustain Jordan's second assignment of error.

## Conclusion

**{¶35}** Having overruled Jordan's first assignment of error and sustained his second assignment of error, we affirm the judgment of the trial court in part, reverse the judgment in part, and remand the cause for a new sentencing hearing.

Judgment affirmed in part, reversed in part, and cause remanded.

**CROUSE** and **NESTOR, JJ.,** concur.