[Cite as *State v. Banks*, 2025-Ohio-5082.]

IN THE COURT OF APPEALS OF OHIO
FOURTH APPELLATE DISTRICT
SCIOTO COUNTY

STATE OF OHIO,	:	
Plaintiff-Appellee,	:	CASE NO. 24CA4088
v.	:	
KACEY D. BANKS,	:	DECISION AND JUDGMENT ENTRY
Defendant-Appellant.	:	

APPEARANCES:

Shane A. Tieman, Scioto County Prosecuting Attorney, and Jay Willis, Assistant Prosecuting Attorney, Portsmouth, Ohio, for appellee.

Karyn Justice, Portsmouth, Ohio, for appellant.[1]

CRIMINAL APPEAL FROM COMMON PLEAS COURT
DATE JOURNALIZED:10-28-25
ABELE, J.

{¶1} This is an appeal from a Scioto County Common Pleas Court judgment of conviction and sentence. Kacey D. Banks, defendant below and appellant herein, assigns the following error for review:

> ASSIGNMENT OF ERROR:
>
> "THE TRIAL COURT ERRED WHEN IT DENIED APPELLANT'S MOTION TO SUPPRESS."

{¶2} During a July 2020 traffic stop, Ohio State Highway

[1] Different counsel represented appellant during the trial court proceedings.

Patrol Trooper Nicholas Lewis discovered cocaine, heroin, fentanyl, and drug-related criminal tools in a rental vehicle.

{¶3} A Scioto County Grand Jury returned an indictment that charged appellant with (1) one count of trafficking in cocaine in violation of R.C. 2925.03(A)(2), a first-degree felony, (2) one count of trafficking in a fentanyl-related compound in violation of R.C. 2925.03(A)(2), a first-degree felony, (3) one count of trafficking in heroin in violation of R.C. 2925.03(A)(2), a first-degree felony, (4) one count of possession of cocaine in violation of R.C. 2925.11(A), a first-degree felony, (5) one count of possession of a fentanyl-related compound in violation of R.C. 2925.11(A), a first-degree felony, (6) one count of possession of heroin in violation of R.C. 2925.11(A), a first-degree felony, and (7) one count of possession of criminal tools (rental car and/or cell phones) in violation of R.C. 2923.24(A), a fifth-degree felony. Counts one through six also contained R.C. 2941.1410(A) major drug offender specifications. Appellant entered not guilty pleas.

{¶4} Subsequently, appellant filed a motion to suppress the evidence discovered during the traffic stop. At the suppression hearing, Trooper Lewis testified that around 12:30 a.m. on July

20, 2020, he observed a black Chrysler 300 with Michigan license plates travel southbound on U.S. 23. Because the vehicle appeared to be a rental, Lewis followed and observed the vehicle cross from the left lane "over the dashed center lane line" and then "initiate its turn signal, transition over to the right lane. When it goes to the right lane it goes across the white fog line. My guess would probably be it went into the rumble strips it was so far over the white fog line," adding that the vehicle crossed the fog line by a "tire's width." In addition, Lewis testified that the speed limit in that area is 70 miles per hour and the vehicle "was traveling approximately 50 miles per hour." The combination of marked lane violations and driving 20 miles below the speed limit indicated to Lewis that the driver could be impaired.

{¶5} When Trooper Lewis initiated a traffic stop, he spoke with the driver, Promise Hollings, and requested her identification and rental agreement. Hollings stated that her uncle rented the vehicle, and Lewis observed that the rental agreement indicated the car should be returned on June 16, nearly one month prior to the stop. Lewis asked Hollings to exit the vehicle to verify her driver's license. When Hollings

exited the driver's side, Lewis observed "a white fragment on the - - on her seat and also a piece of green vegetation, which I believed to be marijuana, on the bracket for the seat on the rocker panel." Lewis asked Hollings about their destination, and Hollings "stated that they were headed to her aunt's house, which was about 30 minutes away. I asked her if she knew what city it was, and she couldn't tell me."

{¶6} Trooper Lewis testified that he recalled arresting appellant in January of that year and "thought maybe he had a warrant through the Scioto County Sheriff's Department." Lewis reapproached the passenger side of the vehicle and requested appellant's identification. At that time, appellant "was trying to fill the vehicle up with cigarette smoke. I'd smelled marijuana on the initial approach." After Hollings consented to the vehicle search, Lewis requested a backup officer.

{¶7} At that time, Trooper Lewis "gave dispatch both their I.D. numbers through Michigan, ask[ed] for a criminal history check" and advised dispatch that he believed appellant "has a felony warrant through us." Appellant's name and date of birth "popped up a warrant out of Shelby." As Lewis reapproached the vehicle, dispatch confirmed appellant's warrant, but the

information did not match the pick-up radius that Lewis learned on his cruiser computer. Later, Lewis discovered that the warrant was from Shelby County, Tennessee. Lewis patted appellant down for weapons and placed him in the rear of his cruiser with Hollings.

{¶8} Based on the white powder on the seat, the odor of marijuana and suspected marijuana on the rocker panel, Trooper Lewis decided to search the vehicle. When Lewis field-tested the white powder, it tested positive for cocaine. Lewis assisted with the search and found bags underneath the door control panels that contained smaller bags of suspected narcotics. At that time Lewis took photos, secured the evidence, returned to his cruiser and advised appellant of his *Miranda* rights.

{¶9} Appellee played Trooper Lewis's dash camera video footage for the trial court. The video shows Lewis approach the passenger side of the stopped vehicle at minute 2:47 of the video and ask driver Hollings for her license and rental car agreement. When Hollings informed Lewis that her uncle rented the car, Lewis examined the agreement and noted that the agreement indicated the vehicle was to be returned on June 16,

nearly a month before. After he asked if it was an older rental agreement, Lewis walked to the driver's side and said, "step out here with me real quick and I'll check your driver's license. You don't have any weapons or anything on you, do you?" Lewis then explained the marked lanes violations, noted that Hollings drove 50 in a 70 mph zone, and asked Hollings about their travel plans. Hollings, however, did not know their destination city.

{¶10} After Trooper Lewis placed Hollings in the rear of his cruiser, he returned to the vehicle. At 5:10 of the video, Lewis requested appellant's identification and asked about the couple's travel plans. It is unclear from the video what appellant said. Lewis then asked appellant to remain in the vehicle while he returned to the cruiser to verify their information. Lewis patted down Hollings for weapons at 6:00 of the video and placed her in the cruiser at 7:00. At 7:20 of the video, Lewis asked Hollings if she had anything illegal in the vehicle and asked if he could search the vehicle. Hollings consented.

{¶11} Trooper Lewis contacted dispatch to verify Hollings and appellant's driver's licenses between 8:20 and 8:40 of the video and noted that appellant "may have a 75 [outstanding

warrant] through us." Lewis explained more to Hollings about the marked lane violations at 9:45 of the video. At 10:35, Lewis informed Hollings that dispatch is "checking on some stuff for me." At 11:15 and 11:50, dispatch relays information to Lewis that is unclear from the video. At 13:11 of the video, dispatch informed Lewis that Hollings has no outstanding warrants, but appellant does.

{¶12} At 13:50, Lewis requested appellant to exit the vehicle and asked if appellant had any weapons. At 14:20, Lewis patted down appellant, informed him that he had an outstanding warrant, and noted that he awaited dispatch information on the warrant's pick-up radius. Lewis placed appellant in his cruiser at 15:15 and returned to the vehicle to look in the driver's side. At around 16:24, Lewis field tested the white powder he found on the vehicle's seat, and it tested positive for cocaine.

{¶13} After Trooper Kuehne arrived at the scene at 17:06, the two officers searched the vehicle. At 18:25, Trooper Lewis returned to the cruiser, removed Hollings from the backseat, spoke with her, and advised her of her *Miranda* rights. Lewis returned to the vehicle at 20:30, and the two officers continued the search. At 39:15, it appears that the officers discover

bags of narcotics in the driver's side door. At 55:00, Lewis advised appellant of his *Miranda* rights and handcuffed him.

{¶14} Subsequently, the trial court overruled appellant's motion to suppress evidence. Appellant then entered a no contest plea to trafficking in a fentanyl-related compound with a major drug offender specification, a first-degree felony. The trial court accepted appellant's plea and found him guilty. Initially, appellant failed to appear at sentencing. *See State v. Banks*, 2023-Ohio-292 (4th Dist.). Later, at sentencing on April 17, 2024, the trial court noted the R.C. 2953.08(D) jointly recommended and agreed sentence, and ordered appellant to serve (1) a mandatory minimum 11-year prison term on Count 2 trafficking in a fentanyl-related compound up to an indefinite maximum prison term of 16 years and 6 months, (2) an additional 6-year term for the major drug offender specification, with the sentences to be served consecutively to each other for a definite minimum sentence of 17 years up to an indefinite prison term of up to 22 years and 6 months, and (3) a mandatory 3-5 year post-release control term. This appeal followed.

I.

{¶15} In his sole assignment of error, appellant asserts

that the trial court erred when it denied his motion to suppress evidence. In particular, appellant argues that (1) the trial court "erred when it found that Trooper Newman [sic. Lewis] had a reasonable articulable suspicion to stop the car on July 20, 2025 [sic. 2020]," and (2) an officer's knowledge of a person's prior criminal involvement is insufficient to give rise to the requisite reasonable suspicion to justify a shift from a traffic stop to a firearms or drugs investigation.

{¶16} Generally, appellate review of a motion to suppress evidence presents a mixed question of law and fact. *State v. Hawkins*, 2019-Ohio-4210, ¶ 16, citing *State v. Burnside*, 2003-Ohio-5372, ¶ 8l, *State v. Hansard,* 2020-Ohio-5528, ¶ 15 (4th Dist.). When ruling on a motion to suppress evidence, a trial court assumes the role of trier of fact and is best positioned to resolve questions of fact and evaluate witness credibility. *State v. Roberts*, 2006-Ohio-3665, ¶ 100. Thus, a reviewing court must defer to a trial court's findings of fact if competent, credible evidence exists to support the trial court's findings. *Id.; State v. Fanning*, 1 Ohio St.3d 19, 20 (1982); *State v. Debrossard*, 2015-Ohio-1054, ¶ 9 (4th Dist.). A reviewing court must then independently determine, without

deference to the trial court, whether the trial court properly applied the substantive law to the case's facts. *See Roberts* at ¶ 100; *Burnside*, *supra*, at ¶ 8.

{¶17} The Fourth and Fourteenth Amendments to the United States Constitution and Section 14, Article I of the Ohio Constitution protect individuals from unreasonable governmental searches and seizures. *State v. Shrewsbury,* 2014-Ohio-716, ¶ 14 (4th Dist.), citing *State v. Emerson*, 2012-Ohio-5047, ¶ 15. The exclusionary rule protects this constitutional guarantee and mandates the exclusion of evidence obtained from an unreasonable search and seizure. *Id.*

{¶18} A traffic stop initiated by a law enforcement officer constitutes a seizure within the meaning of the Fourth Amendment. *Whren v. United States*, 517 U.S. 806, 809–810 (1996). Thus, a traffic stop must comply with the Fourth Amendment's general reasonableness requirement. *Id.* An officer's decision to stop a vehicle is reasonable when the officer has probable cause or reasonable suspicion to believe that a traffic violation has occurred. *Id.* at 810 (citations omitted); *accord State v. Mays*, 2008-Ohio-4539, ¶ 23; *Dayton v. Erickson*, 76 Ohio St.3d 3, 11–12, (1996). Law enforcement officers also may stop

a vehicle if they have reasonable suspicion "that criminal activity ' "may be afoot." ' " *United States v. Arvizu*, 534 U.S. 266, 273 (2002), quoting *United States v. Sokolow*, 490 U.S. 1, 7 (1989), quoting *Terry v. Ohio*, 392 U.S. 1, 30 (1968).

{¶19} A police officer who observes a de minimis violation of traffic laws may stop a driver. *State v. Netter,* 2024-Ohio-1068, ¶ 15, citing *Debrossard*, 2015-Ohio-1054 at ¶ 13 (4th Dist.), citing *State v. Guseman*, 2009-Ohio-952, ¶ 20 (4th Dist.), citing *State v. Bowie*, 2002-Ohio-3553, ¶ 8, 12, and 16 (4th Dist.), citing *Whren* at 809–810. Moreover, the Supreme Court of Ohio has held, "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[.]" *Dayton, supra,* 76 Ohio St.3d 3, paragraph one of the syllabus.

{¶20} In the case sub judice, the trial court observed that Trooper Lewis "decided to follow this vehicle." Appellant seems to suggest that this decision violated the Fourth Amendment. However, "a law enforcement officer's decision to follow someone is not a seizure until the officer, by means of a physical force

or show of authority, has in some way restrained the liberty of a citizen and that citizen in turn yields to the authority. Thus, merely following someone is not a 'seizure' as contemplated by the Fourth Amendment to the United States Constitution or the Ohio Constitution, Article 1, Section 14." *State v. Lucas,* 2025-Ohio-1918, ¶ 59 (4th Dist.). *See also State v. Miller*, 2025-Ohio-141, ¶ 16 (3d Dist.)("an officer's decision to leave the median and enter a lane of traffic to follow a vehicle does not constitute a 'search' or 'seizure' under the Fourth Amendment.").

{¶21} Therefore, following a vehicle does not implicate Fourth Amendment protections. However, once an officer initiates a stop, the Fourth Amendment requires that the stop be supported by reasonable suspicion or probable cause. *Netter, supra,* at ¶ 14*; State Dunbar,* 2024-Ohio-1460, ¶ 23 (4th Dist.). This distinction ensures that officers can follow vehicles freely while maintaining constitutional safeguards against unreasonable stops and detentions.

{¶22} Once Trooper Lewis followed the vehicle, the trial court observed:

While the vehicle was approaching the entrance to SR 823

> the vehicle traveled completely over the white edge line while on the entrance ramp. While traveling on SR 823 the black Chrysler traveled completely across the white edge line of SR 823 to the extent the entire tire crossed the outside portion of the white fog line and Trooper Lewis thought the vehicle hit the rumble strips. The marked lane violations on the SR 823 entrance ramp and on SR 823 show clearly on the video provided from the trooper's cruiser.

{¶23} Trooper Lewis observed R.C. 4511.33 marked lanes violations. As noted above, a police officer who observes a de minimis traffic law violation may stop a driver. *Netter*, 2024-Ohio-1068, at ¶ 15, citing *Debrossard*, 2015-Ohio-1054, at ¶ 13; *State v. Andrews*, 2025-Ohio-2803, ¶ 22 (4th Dist.). Thus, we conclude that Lewis possessed at a minimum a reasonable and articulable suspicion to initiate the traffic stop, if not probable cause that a traffic violation had indeed occurred.

{¶24} After Trooper Lewis initiated the traffic stop, we turn to what transpired when driver Hollings exited the vehicle. Lewis testified that he requested Hollings to exit the car to verify her driver's license. As she exited, Lewis observed white powder on the driver's seat and green vegetation that resembled marijuana on the driver's side door rocker panel. Lewis also testified that he detected the odor of marijuana

emanating from the passenger side.

{¶25} Generally, during a traffic stop an officer may order all occupants to exit a vehicle pending completion of the traffic stop. *Maryland v. Wilson*, 519 U.S. 408, 414 (1997); *accord State v. Grubbs*, 2017-Ohio-41, ¶ 29 (6th Dist.). *See also Pennsylvania v. Mimms*, 434 U.S. 106, 111, n. 6 (1977) ("once a motor vehicle has been lawfully detained for a traffic violation, the police officers may order the driver to get out of the vehicle without violating the Fourth Amendment's proscription of unreasonable seizures."); *State v. Maddux*, 2010-Ohio-941, ¶ 6 (6th Dist.) (officer may order motorist to exit vehicle properly stopped for traffic violation); *State v. Kilbarger*, 2012-Ohio-1521, ¶ 16 (4th Dist.)(once officer lawfully stops driver, officer may order driver to exit vehicle without additional justification); *State v. Alexander-Lindsey*, 2016-Ohio-3033, ¶ 14 (4th Dist.)("officers can order a driver and a passenger to exit the vehicle, even absent any additional suspicion of a criminal violation").

{¶26} Turning to the vehicle search, we first observe that driver Hollings consented to the vehicle's search, and appellant does not challenge the consent. No Fourth Amendment violation

occurs when an individual voluntarily consents to a search. *See United States v. Drayton*, 536 U.S. 194, 207 (2002) (stating that "[p]olice officers act in full accord with the law when they ask citizens for consent"); *Schneckloth v. Bustamonte*, 412 U.S. 218, 219 (1973)("[A] search conducted pursuant to a valid consent is constitutionally permissible"); *State v. Comen*, 50 Ohio St.3d 206, 211 (1990); Katz, Ohio Arrest, Search and Seizure (2004 Ed.), Section 17:1, at 341 (Consent to a search is "a decision by a citizen not to assert Fourth Amendment rights.").

{¶27} Next, we examine appellant's assertion that Trooper Lewis's knowledge of appellant's prior criminal involvement alone is insufficient to expand the scope of the traffic stop. The automobile exception to the warrant requirement allows officers to search a vehicle without a warrant when they have probable cause to believe the vehicle contains evidence of illegal activity. *State v. Etherson-Tabb,* 2024-Ohio-550, ¶ 25 (4th Dist.), citing *State v. Jackson*, 2022-Ohio-4365, ¶ 28.

{¶28} As the trial court noted, approximately one minute passed between the vehicle stop and when Trooper Lewis asked driver Hollings to exit the vehicle. Lewis then observed a white powder on the driver's seat, that field tested as cocaine,

and green vegetation that he suspected to be marijuana. These observations, as well as the driver's lack of knowledge regarding their intended destination, led Lewis to believe that criminal activity may be afoot, and provided reasonable suspicion to expand the scope of his stop and to search the vehicle. *See State v. Whitehead*, 2022-Ohio-479, ¶ 47 (4th Dist.)(individuals who transport drugs commonly use rental cars to avoid detection); *State v. Carey*, 2013-Ohio-1855, ¶ 24 (rental car typically modus operandi for drug transportation); *Dunbar,* 2024-Ohio-1460 at ¶ 35 (dubious travel plans, rental vehicles, and travel to and from source cities support reasonable suspicion of criminal activity).

{¶29} Appellant, however, contends that Trooper Lewis relied solely on his knowledge of appellant's prior criminal involvement to expand the scope of the traffic stop. We disagree. It is accurate that an officer's knowledge of a person's prior criminal involvement is insufficient to give rise to the requisite reasonable suspicion to justify a shift from a traffic stop to a firearms or drugs investigation. In *State v. Kincaid,* 2024-Ohio-2668 (4th Dist.), we recognized that "knowledge of a person's prior criminal involvement (to say

nothing of a mere arrest) is alone insufficient to give rise to the requisite reasonable suspicion" to justify a shift in an investigatory intrusion from the traffic stop to a firearms or drugs investigation. *Id.* at ¶ 13, citing *State v. Whitman*, 2009-Ohio-5647 (5th Dist.), citing *United States v. Sandoval*, 29 F.3d 537, 542 (10th Cir. 1994). As the *Sandoval* court explained:

> If the law were otherwise, any person with any sort of criminal record - or even worse, a person with arrests but no convictions - could be subjected to a Terry-type investigative stop by a law enforcement officer at any time without the need for any other justification at all. Any such rule would clearly run counter to the requirement of a reasonable suspicion, and of the need that such stops by justified in light of a balancing of the competing interests at stake. *Id.* at 543. *Accord Joshua v. DeWitt* (C.A. 6, 2003) 341 F.3d 430, 446.

{¶30} Thus, a "person's reputation or past record does not, standing alone, provide an officer with a reasonable suspicion to support a Terry-type investigative stop or search." *Whitman* at ¶ 16, citing *Terry, supra,* 392 U.S. 1 (1968); *Kincaid* at ¶ 13.

{¶31} In the case sub judice, Trooper Lewis testified that he "recognized Mr. Banks from - - from somewhere. I knew I had

dealt with him before." We agree with appellant that standing alone, Lewis's knowledge of appellant's prior arrest would not provide reasonable suspicion to expand the scope of the traffic stop. However, several other factors supported Lewis's decision in the case at bar.

Trooper Lewis testified:

> Again, I recognize Mr. Banks, so at that point, I was kind of curious about what was going on. And again, I had a rental vehicle that was supposed to be back on the 16th according to the agreement she gave me. Then once I step out - - or once she steps out and I see what I believe to be suspected cocaine and the marijuana on the rocker panel, I'm going to ask a few more questions.

{¶32} Thus, after our review we conclude that Trooper Lewis did not rely solely on his recollection of appellant's prior criminal involvement when he decided to expand the scope of the traffic stop.

{¶33} Turning to the length and scope of the traffic stop, in general an investigative stop may last no longer than necessary to accomplish the stop's initial goal. *Rodriguez v. United States*, 575 U.S. 348, 354 (2015). Law enforcement tasks generally associated with traffic infractions include: (1) determining whether to issue a traffic citation, (2) checking

the driver's license, (3) determining the existence of outstanding warrants, (4) inspecting the vehicle's registration, and (5) examining proof of insurance. *Kincaid* at ¶ 16. "These checks serve the same objective as enforcement of the traffic code: ensuring that vehicles on the road are operated safely and responsibly." *State v. Farrow*, 2023-Ohio-682, ¶ 14 (4th Dist.), citing *Rodriguez* at 355; *State v. Aguirre*, 2003-Ohio-4909, ¶ 36 (4th Dist.) (during a traffic stop, motorist may be detained for a period of time sufficient to issue a citation "and to perform routine procedures such as a computer check on the motorist's driver's license, registration, and vehicle plates").

{¶34} After a reasonable time for the purpose of the original traffic stop to elapse, an officer must then have " 'a reasonable articulable suspicion of illegal activity to continue the detention.' " *State v. Jones*, 2022-Ohio-561, ¶ 22 (4th Dist.), quoting *State v. Ramos*, 2003-Ohio-6535, ¶ 13 (2d Dist.). Thus, if, after talking with a driver, a reasonable police officer would be satisfied that no unlawful activity had occurred, the driver must be permitted to continue on his or her way. *State v. Venham*, 96 Ohio App.3d 649, 656 (4th Dist.1994). If, however, the officer "ascertained reasonably articulable

facts giving rise to a suspicion of criminal activity, the officer may then further detain and implement a more in-depth investigation of the individual." *State v. Robinette,* 80 Ohio St.3d 234, 241 (1997). The detention of the motorist may last as long as the reasonable suspicion of criminal activity continues. "However, the lawfulness of the initial stop will not support a 'fishing expedition' for evidence of another crime." *Venham* at 655; *Kincaid* at ¶ 18.

{¶35} In *Kincaid*, the defendant claimed that the only facts offered to support the prolonged detention was the traffic violation itself and the officer's prior knowledge of Kincaid's alleged drug trafficking history. This court concluded that, although the officer did not initially possess specific and sufficient information about appellant's alleged drug trafficking activity to extend the time and purpose of the stop beyond the reason for the initial stop, the officer "immediately decided to deploy his canine, the only reason he did not immediately do so involved his personal safety." *Id.* at ¶ 27. We concluded:

> This is not unreasonable conduct in light of the fact that traffic stops, especially stops late at night and with multiple occupants in a vehicle, represent some of

> the most perilous encounters for law enforcement officers. Consequently, officer safety should be of paramount importance and a legitimate consideration if such activity does not unreasonably extend the time required to conduct a traffic stop. Here, our review of the facts reveal that arrival of the back-up officer did not unreasonably extend the traffic stop's duration.

Kincaid at ¶ 27.

{¶36} In the case sub judice, the trial court noted that, approximately one minute had elapsed between the stop of the vehicle and Trooper Lewis seeing, "what his trained and experience indicated to be, cocaine and marijuana." Further, the court observed that during the time Lewis gathered information concerning the driver and also sought to gather information regarding appellant's active arrest warrant. Thus, the trial court determined:

> The time elapsed between the stop and the finding of contraband in the car, was within the time for an officer to reasonably work to investigate the traffic offense and write a citation. Further, this Court finds that upon finding the cocaine and marijuana Trooper Lewis was reasonable in prolonging his investigation and continuing his investigation of other matters, including the arrest warrant for Banks.

{¶37} We agree with the trial court's conclusion. In the case at bar, no evidence exists to suggest that the length of

appellant's traffic violation detention made it constitutionally dubious. No measurable delay occurred when Trooper Lewis requested a backup officer to search the vehicle. In addition, for much of the time, Lewis awaited confirmation regarding appellant's warrant because, as the trial court noted, "the trooper and dispatch received differing information on pick-up radius" of appellant's warrant for his arrest. "Trooper Lewis would later learn that the warrant was from a Shelby County, outside the State of Ohio, and was outside of the pick-up radius." As the trial court noted, the search began approximately 13 minutes into the traffic stop. Trooper Lewis then confirmed the cocaine with a field test and continued to search. Approximately 33 minutes after the stop, officers found the narcotics. Thus, we agree with the trial court's characterization that the time that elapsed between the stop and finding contraband in the car was within a reasonable time.

{¶38} Therefore, as set forth above, under the automobile exception to the Fourth Amendment's warrant requirement, officers may search a vehicle without obtaining a warrant when they have probable cause to believe the vehicle contains evidence of illegal activity. *Id.*, citing *Chambers v. Maroney*,

399 U.S. 42, 51 (1970). Thus, we conclude that after Trooper Lewis observed the cocaine and marijuana residue and smelled the odor of marijuana, he possessed probable cause to believe that appellant and Hollings possessed and/or trafficked in narcotics and, therefore, provided probable cause to search the vehicle. *Andrews*, 2025-Ohio-2803, at ¶ 41; *Jackson*, 2022-Ohio-4365, at ¶ 28.

{¶39} Accordingly, based upon the foregoing reasons, we overrule appellant's sole assignment of error and affirm the trial court's judgment.

JUDGMENT AFFIRMED.

JUDGMENT ENTRY

It is ordered that the judgment be affirmed. Appellee shall recover from appellant the costs herein taxed.

The Court finds there were reasonable grounds for this appeal.

It is ordered that a special mandate issue out of this Court directing the Scioto County Common Pleas Court to carry this judgment into execution.

If a stay of execution of sentence and release upon bail has been previously granted by the trial court or this court, it is temporarily continued for a period not to exceed 60 days upon the bail previously posted. The purpose of a continued stay is to allow appellant to file with the Supreme Court of Ohio an application for a stay during the pendency of the proceedings in that court. If a stay is continued by this entry, it will terminate at the earlier of the expiration of the 60-day period, or the failure of the appellant to file a notice of appeal with the Supreme Court of Ohio in the 45-day appeal period pursuant to Rule II, Sec. 2 of the Rules of Practice of the Supreme Court of Ohio. Additionally, if the Supreme Court of Ohio dismisses the appeal prior to expiration of 60 days, the stay will terminate as of the date of such dismissal.

A certified copy of this entry shall constitute that mandate pursuant to Rule 27 of the Rules of Appellate Procedure.

Smith, P.J. & Wilkin, J.: Concur in Judgment & Opinion

For the Court

BY:_____
Peter B. Abele, Judge

NOTICE TO COUNSEL

Pursuant to Local Rule No. 14, this document constitutes a final judgment entry and the time period for further appeal commences from the date of filing with the clerk.