[Cite as *State v. Fips*, 2023-Ohio-2295.]

COURT OF APPEALS OF OHIO

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

STATE OF OHIO,	:	
Plaintiff-Appellee,	:	No. 111900
v.	:	
QUENTIN FIPS,	:	
Defendant-Appellant.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: REVERSED
RELEASED AND JOURNALIZED: July 6, 2023

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-19-636185-A

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and Andrew M. Boyko, Assistant Prosecuting Attorney, *for appellee*.

Edward F. Borkowski, Jr., *for appellant*.

MICHAEL JOHN RYAN, J.:

{¶ 1} Defendant-appellant Quentin Fips appeals from his judgment of conviction, which was rendered after his no-contest plea to a two-count indictment. He raises challenges to the trial court's denial of his motion to suppress, the

effectiveness of his trial counsel, and his sentence. After a thorough review of the facts and pertinent law, we reverse the judgment denying his motion to suppress.

Procedural History

{¶ 2} In February 2019, Fips was indicted on one count each of drug trafficking and drug possession, felonies of the first degree. Both counts contained forfeiture specifications. The charges were the result of a December 2018 traffic stop.

{¶ 3} Fips filed a motion to suppress in which he challenged the legality of the traffic stop and after a hearing, the trial court denied the motion. Fips subsequently entered a no-contest plea to the charges and the trial court found him guilty. The trial court sentenced Fips to a five-year prison term.

Motion to Suppress Hearing and Trial Court's Judgment

{¶ 4} The state presented the testimony of one witness at the suppression hearing, that being Officer Garron Rose, who effectuated the traffic stop and arrest of Fips. The officer was wearing a body camera that recorded the encounter. Two videos from the body camera were entered into evidence.

{¶ 5} At the relevant time, Officer Rose was a patrol officer with the village of Linndale and on the day in question, at approximately midnight, he stopped a vehicle being driven by Fips purportedly because of an inoperable headlight. An officer in training was with Officer Rose.

{¶ 6} The first body-camera recording shows that upon pulling Fips's vehicle over, Officer Rose approached the driver's side to speak with Fips. The officer told

Fips that he was being pulled over because one of his headlights was out. Fips appeared surprised that a light was out. Officer Rose asked Fips for his driver's license. Fips told him he did not have it on him, but told him he did have a license and insurance and provided his name. Fips then asked which light was out and directed Officer Rose to look at a control on the car. Officer Rose looked and responded "aah." Officer Rose then asked Fips for his social security number and name. Fips provided the information and Officer Rose told him to "just hang tight for a minute."

{¶ 7} While Officer Rose had been talking to Fips, the trainee officer walked to the front of Fips's vehicle to look at the lights. Seconds after Officer Rose told Fips to "hang tight," the trainee officer said "the headlights on." Officer Rose responded, "it wasn't on, right?" The trainee officer replied, "it was the fog light that was out." Seconds later, the trainee officer said, "or the fog light was on, the headlight was out." Officer Rose responded "oh," and then proceeded to give Fips's information to dispatch. The trainee officer can be heard on the body-camera recording saying, "it's weird." The video demonstrates that Officer Rose was aware that he may have been mistaken about the headlight prior to calling in Fips's information to dispatch.

{¶ 8} Officer Rose then learned from dispatch that Fips had a warrant for a weapons offense and that Fips had failed to reinstate his driver's license. After learning that, Officer Rose approached Fips's vehicle, asked him to exit, and performed a pat-down search of Fips's person, after which Fips was handcuffed. As Fips was being handcuffed, he asked Officer Rose, "you said my front headlight was

out?" Officer Rose responded, "Yes. You know you got a warrant out of Parma, right?" Fips denied knowing about the warrant and questioned the officer about it. Officer Rose said he would get more information about it from dispatch. The police had Fips get in the police cruiser.

{¶ 9} In the second video, a third officer was on the scene and Officer Rose said that the warrant, "supposedly for a weapons offense," was being verified. The trainee officer was still bemused by the situation and said, "I don't understand the headlight." Officer Rose agreed saying, "yeah, his headlight was out and then I pull him over and his headlight is on."

{¶ 10} The police then searched Fips's vehicle, including his center console, glove box, and truck. They found a digital scale and after finding it, Officer Rose said "there's probably something in here somewhere." The police also found a gun box and gun cleaning supplies, but no weapon. The body-camera videos entered into evidence do not show the police finding the subject contraband, despite their expansive search. Elsewhere in the record it is indicated that the police subsequently saw a plastic bag "peeking out" from the center console and recovered it. It contained a white powder that was later confirmed to be 47 grams of crack cocaine. After the police conducted their search, Officer Rose asked dispatch if the warrant was "good" and dispatch indicated it was.

{¶ 11} In its judgment denying the motion to suppress, the trial court cited *State v. Spellacy*, 2019-Ohio-785, 132 N.E.3d 1244 (8th Dist.), wherein this court held that where an officer has an objectively reasonable belief that a traffic violation

has occurred, that constitutes reasonable suspicion to justify a traffic stop. The trial court found that Officer Rose "had an objective reasonable belief, even though mistaken, that a traffic violation had occurred, and, thus, that belief constitutes reasonable suspicion to justify a traffic stop." The trial court further found that because Fips did not have identification with him, the continued detention to verify his identity was proper.

Assignments of Error

I. The trial court erred by denying appellant's motion to suppress.

II. Appellant's counsel provided ineffective assistance by not arguing that the officers' search of his vehicle was unlawful and by not moving for dismissal on speedy trial grounds.

III. The trial court erred by sentencing appellant on allied offenses.

Law and Analysis

Motion to Suppress Improperly Denied

{¶ 12} In his first assignment of error, Fips challenges the trial court's decision denying his motion to suppress.

{¶ 13} Appellate review of a motion to suppress presents a mixed question of law and fact. *State v. Burnside*, 100 Ohio St.3d 152, 2003-Ohio-5372, 797 N.E.2d 71, ¶ 8. When considering a motion to suppress, the trial court assumes the role of trier of fact and is therefore in the best position to resolve factual questions and evaluate the credibility of witnesses. *State v. Mills*, 62 Ohio St.3d 357, 366, 582 N.E.2d 972 (1992). Consequently, an appellate court must accept the trial court's

findings of fact if they are supported by competent, credible evidence. *Burnside* at *id.*

{¶ 14} The Fourth Amendment to the United States Constitution and Article I, Section 14 of the Ohio Constitution protect individuals from unreasonable searches and seizures. *Terry v. Ohio*, 392 U.S. 1, 8-9, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968). A traffic stop by a law enforcement officer must comply with the Fourth Amendment's reasonableness requirement. *Whren v. United States*, 517 U.S. 806, 810, 116 S.Ct. 1769, 135 L.Ed.2d 89 (1996). Under *Terry*, police officers may briefly stop and/or temporarily detain individuals in order to investigate possible criminal activity if the officers have a reasonable, articulable suspicion that criminal activity may be afoot, including a minor traffic violation. *State v. Mays*, 119 Ohio St.3d 406, 2008-Ohio-4539, 894 N.E.2d 1204, ¶ 7-8. The existence of reasonable suspicion is determined by evaluating the totality of the circumstances, considering those circumstances "'through the eyes of the reasonable and prudent police officer on the scene who must react to events as they unfold.'" *State v. Heard*, 2d Dist. Montgomery No. 19323, 2003-Ohio-1047, ¶ 14, quoting *State v. Andrews*, 57 Ohio St.3d 86, 87-88, 565 N.E.2d 1271 (1991).

{¶ 15} The police have authority to stop a vehicle they observe driving at night with only one headlight. *State v. Moore*, 2d Dist. Montgomery No. 27973, 2019-Ohio-648, ¶ 13, citing *State v. Martina*, 2d Dist. Montgomery No. 18905, 2001 Ohio App. LEXIS 5943, 3 (Dec. 28, 2001). Here, the record supports the trial court's finding that the stop was legal. Officer Rose had an objectively reasonable belief

based on the circumstances known to him at the time of the stop that there was an equipment failure, which was an inoperable headlight. Based on that belief, the officer conducted a legal traffic stop.

{¶ 16} We further agree with the trial court's finding that the stop was proper even in light of the police's mistaken belief that Fips's headlight was out. This court has held that, in conducting a traffic stop, an officer is not required to prove the suspect committed an offense beyond a reasonable doubt or even satisfy the lesser standard of probable cause to believe that the defendant violated the law. *Westlake v. Kaplysh*, 118 Ohio App.3d 18, 20, 691 N.E.2d 1074 (8th Dist.1997). In its judgment, the trial court cited *Spellacy*, 2019-Ohio-785, 132 N.E.3d 1244, as further authority for the proposition that a traffic stop might not necessarily be invalid even if it turns out that no violation was committed.

{¶ 17} In *Spellacy*, the police stopped the defendant because he momentarily flicked his high-beam headlights twice in a span of 14 seconds, which the police mistakenly believed was a violation of the law. This court found that, "[b]ased on the totality of the circumstances," even if the officer was mistaken that the defendant violated the law, "or the evidence would be insufficient to prove the elements of [the relevant statute] beyond a reasonable doubt," the officer "had an objectively reasonable belief that a traffic violation occurred, thus constituting reasonable suspicion to justify the traffic stop." *Id.* at ¶ 35, relying on *Heien v. North Carolina*, 574 U.S. 54, 135 S.Ct. 530, 190 L.Ed.2d 475 (2014); *see also State v. McDonald*, 8th Dist. Cuyahoga No. 111724, 2023-Ohio-464.

{¶ 18} However, we disagree with the trial court's legal conclusion that because Fips did not have identification with him, the continued detention to verify his identity was proper. Fips cites to *State v. Chatton*, 11 Ohio St.3d 59, 463 N.E.2d 1237 (1984), and other supporting cases, contending that reasonable suspicion ends when an officer becomes aware the grounds for instituting the stop are no longer valid. In *Chatton*, the officer stopped a vehicle for failure to display front or rear license plates, but upon approaching the vehicle the officer observed a visible temporary tag through the rear windshield of the vehicle. The Supreme Court of Ohio held that under those circumstances, "the driver of the vehicle may not be detained further to determine the validity of his driver's license absent some specific and articulable facts that the detention was reasonable." *Id.* at 63.

{¶ 19} Fips also cites *State v. Brentlinger*, 5th Dist. Delaware No. 19 CAC 05 0032, 2019-Ohio-4989, and *State v. Lewis*, 11th Dist. Geauga No. 2021-G-0034, 2022-Ohio-3006, which involved scenarios where the police's reasonable suspicion and probable cause ceased upon approach of the vehicle. In *Brentlinger*, the police learned that the driver's license of a female vehicle owner was suspended and upon approaching the vehicle observed a male driver. In *Lewis*, the police initiated a traffic stop based on the suspicion of a white female vehicle owner driving with a suspended license and upon approaching the vehicle observed a black male operator of the vehicle. The *Brentlinger* and *Lewis* courts held that the continued detention of the defendants was unlawful. *Brentlinger* at ¶ 19; *Lewis* at ¶ 29. The police "did

not have an independent basis" to extend the detention by asking for the defendant's identification. *Brentlinger* at ¶ 14.

{¶ 20} In a similar case, *Lakewood v. Shelton*, 8th Dist. Cuyahoga No. 95746, 2011-Ohio-4408, this court reversed the denial of the defendant's motion to suppress. In *Shelton*, the officer stopped the vehicle the defendant was driving because he was unable to read the vehicle's snow-covered license plate as he was driving behind it. However, as the officer approached the vehicle, he was able to read the license plate. The defendant argued that the police's continued detention of him after being able to read the plate was improper. This court agreed, specifically relying on the following pronouncement in:

> In our view, because the police officer no longer maintained a reasonable suspicion that [that defendant's] vehicle was not properly licensed or registered, to further detain [the defendant] and demand that he produce his driver's license is akin to the random detentions struck down by the Supreme Court in *Delaware v. Prouse*, [440 U.S. 648, 99 S.Ct. 1391, 59 L.Ed.2d 660, (1979)]. Although the police officer, as a matter of courtesy, could have explained to [the defendant] the reason he was initially detained, the police officer could not unite the search to this detention, and appellee should have been free to continue on his way without having to produce his driver's license. *Cf. United States v. Place*, [462 U.S. 696, 103 S.Ct. 2637,] 77 L.Ed. 2d 110 [(1983),] (prolonged detention unreasonable under *Terry* [*v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed. 2d 889 (1968)].

Chatton at 63; *Shelton* at ¶ 17.

{¶ 21} Here, shortly after approaching Fips's vehicle, Officer Rose discovered that he was wrong about the headlight being out. Thus, at that point, the reason for the stop was over and Fips should not have been further detained. We further find it troubling that Fips was escorted from his vehicle prior to confirmation that the

warrant was "good" and searched without being told why. Moreover, the discovery of the drugs was not captured on the video.

{¶ 22} On this record, the trial court erred in denying Fips's motion to suppress. The first assignment of error is sustained. The remaining assignments of error are moot and we decline to consider them. *See* App.R. 12(A)(1)(c).

{¶ 23} Judgment reversed.

It is ordered that appellant recover from appellee 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 common pleas court to carry this judgment into execution.

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

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MICHAEL JOHN RYAN, JUDGE

KATHLEEN ANN KEOUGH, P.J., CONCURS IN JUDGMENT ONLY (WITH SEPARATE OPINION);
MICHELLE J. SHEEHAN, J., DISSENTS (WITH SEPARATE OPINION)

KATHLEEN ANN KEOUGH, J., CONCURS IN JUDGMENT ONLY WITH SEPARATE OPINION:

{¶ 24} I respectfully concur in judgment only and write separately to express my concern about the basis for the stop, the subsequent search of Fips's vehicle, and trial counsel's performance regarding the suppression hearing.

{¶ 25} In denying Fips's motion to suppress, the trial court relied on this court's decision in *Spellacy* regarding whether the officer made a mistake of law. *See Spellacy*, 2019-Ohio-785, 132 N.E.3d 1244 (officer's belief that momentary flicker of headlights was a mistake of law). Unlike in *Spellacy*, however, this case arguably involves a mistake of fact of whether Fips's headlight was illuminated. Nevertheless, "a police officer's mistake of fact will not lead to the suppression of evidence where the mistake was 'understandable' and [was] a reasonable response to the situation facing the officer." *Kirtland Hills v. Rinkes*, 11th Dist. Lake Nos. 2010-L-078 and 2010-L-079, 2011-Ohio-2713, *Hill v. California*, 401 U.S. 797, 804, 91 S.Ct. 1106, 28 L.Ed.2d 484 (1971). The lead opinion cites to caselaw where an officer's justification for effectuating a traffic stop involved a mistake of fact. *See Chatton*, 11 Ohio St.3d 59, 463 N.E.2d 1237 (officer did not observe license plate until effectuating the stop), *Brentlinger*, 5th Dist. Delaware No. 19CAC 05 0032, 2019-Ohio-4989 (officer effectuated stop because owner of vehicle was female with suspended license; but driver was male), and *Shelton*, 8th Dist. Cuyahoga No. 95746, 2011-Ohio-4408 (license plate was illegible until stop effectuated). In those cases, both the Ohio Supreme Court and this court have held that once the police officer's reasonable suspicion and probable cause cease upon the approach of the vehicle, the officer may not detain the driver further — even to determine the validity of the operator's driver's license. I find that the facts of the case before this court are more akin to the mistake-of-fact line of cases, rather than *Spellacy* where the officer made a mistake of law.

{¶ 26} The dissent raises several valid points regarding the subsequent basis for continuing the stop of Fips even after it was discovered that Officer Rose could have been mistaken regarding the status of Fips's headlights. Clearly, the law is unsettled as to when officers are permitted to continue an investigative stop after the basis for the stop no longer presents itself. *See, e.g., State v. Lewis*, 11th Dist. Geauga 2021-G-0034, 2022-Ohio-3006 (finding that once the initial reason for the stop was found to be invalid, the continued detention of the vehicle and driver was unlawful), and *State v. Dunlap*, 11th Dist. Geauga No. 2021-G-0037, 2022-Ohio-3007 (finding the same). In fact, the issue is pending in the Ohio Supreme Court.[1]

{¶ 27} In this case, Officer Rose learned from Officer Peltz that he was possibly mistaken before learning of the status of Fips's license. In fact, Fips expressed confusion about why he was stopped to Officer Rose when he tried to explain to the officer that the control on his dashboard indicated that the headlight was illuminated. Despite being on notice that he was possibly mistaken, Officer Rose did not confirm whether the headlight was indeed working. Instead, he immediately asked for Fips's identification. Despite Fips not having his driver's license on his person, he quickly and voluntarily provided Officer Rose with both his name, date of birth, and social security number. As of this point, Fips had not

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[1] The Ohio Supreme Court accepted *Lewis* as a jurisdictional appeal and upon certifying a conflict with *State v. Graves*, 9th Dist. Medina No. 2202, 1993 Ohio App. LEXIS 3564 (July 14, 1993). The Court also accepted *Dunlap* as a jurisdictional appeal. *See State v. Dunlap*, Supreme Court Case Nos 2022-1229 and 2022-1227. The Court consolidated the *Lewis* and *Dunlap* cases for review and disposition.

violated any law pertaining to his license. R.C. 4507.35(A) states in part that "the operator of a motor vehicle shall display the operator's driver's license, or furnish satisfactory proof that the operator has a driver's license, upon demand of any peace officer."[2] In my opinion, Fips had provided Officer Rose satisfactory proof that he had a driver's license. *See State v. Killingsworth*, 8th Dist. Cuyahoga No. 74999, 1999 Ohio App. LEXIS 5213, 8-9 (Nov. 4, 1999) (holding that a defendant who furnishes the officer with his name and social security number is satisfactory proof that he possessed a driver's license). Even if Fips did not have his license on his person, the offense is also not an arrestable offense. *See* R.C. 4507.35(A) (not a jailable offense); Linndale Cod. Ord. 335.06(b)(1) (same).

{¶ 28} Officer Rose possessed Fips's identifying information and information that he may have been mistaken about his justification for the stop before learning the status of Fips's license and any warrant information. Again, Officer Rose did nothing to confirm his justification for the stop, but rather proceeded to call in Fips's information and wait for further "suspicion" to justify his prolonged detention. Approximately two minutes later, Officer Rose learned that Fips's license was invalid for failing to reinstate it, and that Fips possibly had two warrants, one of which involved a weapons offense and the other involving a family matter where dispatch stated that no arrest was to be made.

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[2] Linndale Codified Ordinances ("Linndale Cod. Ord.") 335.06(a) mirrors R.C. 4507.35(A).

{¶ 29} As Officer Rose waited for further information on whether the warrant was actually valid and speaking with a supervisor about the possibility that the headlight was in fact working, he ordered Fips out of the car, questioned whether he had a weapon on or about his person, patted Fips down for officer safety, and placed him in the back of the police cruiser. Body-camera video revealed that Fips exhibited full cooperation with Officer Rose's demands.

{¶ 30} The extensive search of Fips's car that occurred after Fips was secure in the back of the police cruiser is questionable considering Officer Rose had yet to determine whether the warrant was valid. During this search, three officers searched the entirety of the vehicle, including the console, glove box, and trunk. And when Officer Rose discovered a scale, he was convinced that there "was probably something in here somewhere." Despite the extensive search and Officer Rose's belief, nothing was discovered — until of course officers searched the vehicle again during an inventory search and found drugs. Only after Fips's detention in the cruiser and the officers' search of his vehicle, did the officers discover that the warrant was "good." To me, the conduct exhibited by the officers was premature and borders infringement of Fips's constitutional rights. Granted, the search of Fips's car and discovery of drugs may have been inevitable because of the inventory search, but I cannot overlook the sequence of events and the conduct exhibited during this purported traffic offense. For these reasons, I would reverse the trial court's decision on the motion to suppress.

{¶ 31} Even if I agreed with the dissent that the trial court properly denied Fips's motion to suppress, I would nonetheless find merit to Fips's second assignment of error that trial counsel was ineffective. This case hinges on whether the stop was lawful and whether Officer Rose's belief regarding Fips's headlight was understandable and truly a mistake of fact or was Officer Rose's justification merely pretextual. In my opinion, counsel's decision to not issue a subpoena to Officer Peltz to provide testimony about the status of the headlight was deficient and prejudicial.

{¶ 32} Moreover, I further find that counsel was ineffective for failing to seek suppression when the search of Fips's vehicle exceeded the scope of what the officers knew at the time of the Fips's detention. At the time that Officer Rose decided to conduct an extensive search of Fips's car, he lacked any reasonable suspicion that Fips possessed any contraband inside of his vehicle. The officers were not in any danger of Fips after Office Rose conducted a full and complete pat down of Fips prior to placing him in the back of the police cruiser. He had yet to confirm the validity of the warrant, and as of that moment, Fips had not committed any arrestable offense. The fishing expedition of Fips's vehicle was completely unjustified at that moment.

{¶ 33} This case is concerning because upholding the officer's justification for the prolonged detention only encourages officers to not take steps to verify the validity of the traffic stop before making any further intrusion, especially in this case when Officer Rose's partner advises him that the justification or violation may not actually exist. Police officers make mistakes in both law and fact. But I cannot overlook when an officer has credible information that he might be mistaken and

does not confirm the facts leading up to the traffic offense, and it is hard for me to conclude that Officer Rose's mistake of fact may have been understandable when he was not willing to confirm what his partner advised.

MICHELLE J. SHEEHAN, J., DISSENTING:

{¶ 34} I respectfully dissent.

{¶ 35} Whether a traffic stop violated the Fourth Amendment requires an objective assessment of the officer's actions based on the facts and circumstances present. *Bowling Green v. Godwin*, 110 Ohio St.3d 58, 2006-Ohio-3563, 850 N.E.2d 698, ¶ 14. As this court has observed, "most of the cases involving searches subsequent to traffic stops turn on minute differences in conduct often subject to varying interpretations that lead to either supporting or rejecting the police conduct." *Westlake v. Gordon*, 8th Dist. Cuyahoga No. 100295, 2014-Ohio-3031, ¶ 12. In support of the motion to suppress, Fips cites *State v. Chatton*, 11 Ohio St.3d 59, 463 N.E.2d 1237, for its holding that reasonable suspicion ends when an officer becomes aware the grounds for initiating the traffic stop are no longer valid. *Chatton* is not applicable because the facts here are distinguishable from those in *Chatton*.

{¶ 36} In that case, after initiating a traffic stop for the driver operating a vehicle without a license plate, the officer observed a temporary license laying on the rear deck of the vehicle *before* approaching the driver and asking him for his driver's license. At the time, the statute did not require the display of a license plate or a

temporary tag in plain view. The court framed the question for review as "whether [there was continuing] justification to detain appellee and demand production of his driver's license once the police officer viewed the temporary tags lying on the rear deck of the appellee's vehicle." *Id.* at 60-61. Answering the question in the negative, the court reasoned that "because the police officer no longer maintained a reasonable suspicion that appellee's vehicle was not properly licensed or registered, to further detain appellee and demand that he produce his driver's license is akin to the random detentions" that the court previously struck down. *Id.* at 63. The court held that "the driver of the vehicle may not be detained further to determine the validity of his driver's license absent some specific and articulable facts that the detention was reasonable." *Id.* The circumstances in this case are distinguishable from those present in *Chatton*, however.

{¶ 37} When a police officer detains a motorist for a traffic violation, the officer may delay the motorist for a time period sufficient to issue a ticket or a warning and this measure includes the time sufficient to run a computer check on the driver's license, registration, and vehicle plates. *State v. Batchili*, 113 Ohio St.3d 403, 2007-Ohio-2204, 865 N.E.2d 1282, ¶ 12. After initiating the traffic stop, Officer Rose, *still under a belief that Fips's headlight was not operational*, asked for Fips's driver's license, but Fips was unable to produce it. Driving without a valid license is a misdemeanor offense in Ohio. R.C. 4507.02(A)(1); R.C. 4507.99.

{¶ 38} "'If during the scope of the initial stop an officer encounters additional specific and articulable facts which give rise to a reasonable suspicion of criminal

activity beyond that which prompted the stop, the officer may detain the vehicle * * * for as long as the new articulable and reasonable suspicion continues.'" *State v. Carter*, 11th Dist. Portage No. 2003-P-0007, 2004-Ohio-1181, ¶ 34, quoting *State v. Waldroup*, 100 Ohio App.3d 508, 513, 654 N.E.2d 390 (12th Dist.1995).

{¶ 39} Here, it was only after Officer Rose learned that Fips was driving without a driver's license and began to investigate the driver's license offense, which was independent of the headlight violation Fips was stopped for, that Officer Rose heard the trainee officer's observations regarding the condition of the headlight. Therefore, regardless of the operability of the headlight — the trainee officer first advised Officer Rose that the fog light, not the headlight, was out; but seconds later advised him that the headlight, not the fog light, was out — and regardless of Officer Rose's belief as to whether there was a headlight violation, Officer Rose had new specific and articulable facts to further detain Fips. The officer was permitted to detain Fips for a time period sufficient to issue a ticket or warning regarding the driver's license offense, and that task included running a computer check on information provided by Fips. *Batchili*. Unlike *Chatton*, there was continuing justification in this case to further detain the driver even though the officer may have been aware the ground for the traffic stop was no longer valid.

{¶ 40} Applying existing precedent to the circumstances of this case, I would affirm the trial court's judgment denying Fips's motion to suppress. Therefore, I dissent.