

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

CITY OF CLEVELAND,	:	
	:	
Plaintiff-Appellant,	:	
	:	No. 116053
v.	:	
	:	
STEVEN MCCLAIRN,	:	
	:	
Defendant-Appellee.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: AFFIRMED

RELEASED AND JOURNALIZED: September 17, 2026

Criminal Appeal from the Cleveland Municipal Court
Case No. 2025-TRC-009140

Appearances:

Cullen Sweeney, Cuyahoga County Public Defender, and
Thomas T. Lampman, Assistant Public Defender, *for*
appellee.

Mark Griffin, Cleveland Director of Law, Aqueelah
Jordan, Chief Prosecutor, and Andrew Zoeckler, Assistant
Prosecuting Attorney, *for appellant*.

EILEEN T. GALLAGHER, P.J.:

{¶ 1} Plaintiff-appellant City of Cleveland (“the city”) appeals an order of the Cleveland Municipal Court granting a motion to suppress filed by defendant-appellee Steven McClairn (“McClairn”). The city claims the following error:

The trial court committed error prejudicial to the prosecution when it granted appellee's motion to suppress.

{¶ 2} We find that the trial court properly granted the motion to suppress.

Accordingly, we affirm the trial court's judgment.

I. Facts and Procedural History

{¶ 3} In June 2025, McClairn was charged with one count of operating a vehicle while under the influence of alcohol ("OVI"), in violation of R.C. 4511.19, and one count of slow speed, in violation of Cleveland Cod.Ord. ("CCO") 433.04. McClairn, through counsel, filed a motion to suppress any evidence obtained by police following the traffic stop and subsequent seizure of McClairn on June 7, 2025. He argued that the police lacked sufficient reasonable grounds to effectuate the traffic stop and that any evidence obtained after the stop constituted "fruit of the poisonous tree" that had to be suppressed.

{¶ 4} The trial court held a hearing on the motion to suppress. Officer Doran Serrano ("Officer Serrano") of the University Circle Police Department stopped McClairn for a traffic violation at the intersection of Euclid Avenue and Martin Luther King Drive in Cleveland. He testified that he observed McClairn remain idle at a green light for approximately 15 seconds before proceeding through the intersection. (Tr. 18 and 22.) He stated that he also observed McClairn swaying side to side within his lane and braking at another green light and that he observed McClairn "go completely over the marked line." (Tr. 21-22.)¹ Finally, Officer

¹ All references to the transcript refer the trial transcript from Wednesday, January 7, 2026, unless otherwise noted.

Serrano observed McClairn looking around in his vehicle after the light transitioned to green, which resulted in his delay moving through the intersection. (Tr. 33.)

{¶ 5} However, after viewing his dash-camera video on cross-examination, Officer Serrano conceded that McClairn stopped at the green light for a total of 11 seconds. (Tr. 30.) He also admitted that McClairn “never crossed any lane lines.” (Tr. 32.) Rather, he observed McClairn “weave” within the lane lines, but McClairn never crossed over the marked lines. (Tr. 44, 32 and 36.) After reviewing the evidence, including the dash-camera video that was played for the court and entered into evidence, the court granted the motion to suppress. The city now appeals the trial court’s judgment.

II. Law and Analysis

{¶ 6} In the sole assignment of error, the city argues the trial court committed prejudicial error when it granted McClairn’s motion to suppress. It contends the court erroneously concluded there was no evidence to support a reasonable suspicion that McClairn was operating his vehicle under the influence of alcohol.

A. Standard of Review

{¶ 7} “Appellate review of a motion to suppress presents a mixed question of law and fact.” *State v. Burnside*, 2003-Ohio-5372, ¶ 8. Regarding factual determinations, “[a]n appellate court must accept the trial court’s findings of fact if they are supported by competent, credible evidence.” *State v. Hawkins*, 2019-Ohio-4210, ¶ 16, citing *State v. Fanning*, 1 Ohio St.3d 19, 20 (1982). However, as an

appellate court, we decide the legal questions “independently, without deference to the trial court’s decision.” *Id.*, citing *Burnside* at ¶ 8.

B. Reasonable Suspicion

{¶ 8} The Fourth Amendment of the U.S. Constitution, which is enforceable against the states through the Due Process Clause of the Fourteenth Amendment, guarantees “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures” *See Mapp v. Ohio*, 367 U.S. 643, 655 (1961). Article I, Section 14 of the Ohio Constitution has language almost identical to the Fourth Amendment and affords Ohioans the same protections against unreasonable searches and seizures. *State v. Robinette*, 80 Ohio St.3d 234, 245 (1997).

{¶ 9} A traffic stop constitutes a seizure and implicates Fourth Amendment protections because “stopping an automobile and detaining its occupants constitute[s] a ‘seizure.’” *Delaware v. Prouse*, 440 U.S. 648, 653-654 (1979). Nevertheless, a warrantless traffic stop is constitutionally valid if the officer making the stop has “a reasonable suspicion,” based on specific and articulable facts, that “criminal activity may be afoot.” *Terry v. Ohio*, 392 U.S. 1, 30 (1967); *State v. Mays*, 2008-Ohio-4539, syllabus.

{¶ 10} Reasonable suspicion for a “*Terry* stop” requires something more than an “inchoate and unparticularized suspicion or ‘hunch.’” *Terry* at 27. A police officer must be able to point to specific and articulable facts that, taken together with rational inferences derived from those facts, give rise to a reasonable suspicion that

the individual has committed, is committing, or is about to commit a crime. *State v. Williams*, 51 Ohio St.3d 58, 60 (1990). The propriety of an investigative stop by a police officer must be viewed in light of the totality of the circumstances. *State v. Freeman*, 64 Ohio St.2d 291 (1980), paragraph one of the syllabus.

{¶ 11} The city argues that “[t]he trial court’s conclusion does not reflect the evidence that was provided during the suppression hearing” It contends that contrary to the trial court’s findings, the evidence established that Officer Serrano had a reasonable suspicion that McClairn was committing a crime, namely OVI and a traffic violation for slow speed. (Appellant’s brief p. 8.) McClairn was charged with OVI and a slow-speed violation.

{¶ 12} In granting the motion to suppress, the trial court found no evidence that McClairn was impeding the flow of traffic when he paused at the light for 11 seconds. (Jan. 15, 2026 tr. 3-4.) The court also found no evidence of a marked-lane violation to justify suspicion for OVI because there was no evidence that McClairn ever went outside the marked lanes. (Jan. 15, 2026 tr. 5.) The city argues the trial court erroneously made conclusions based on whether McClairn violated a statute and whether any defenses applied to the slow-speed violation rather than considering the totality of Officer Serrano’s observations.

{¶ 13} If Officer Serrano had observed an actual traffic violation that was supported by the evidence, there would be no doubt that he had reasonable suspicion to stop McClairn. Indeed, McClairn was charged with slow-speed in violation of CCO 433.04(a), which states that “[n]o person shall stop or operate a

vehicle . . . at such an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reducing speed is necessary for safe operation or to comply with law.”

{¶ 14} In *Cleveland Hts. v. Jackson*, 2024-Ohio-472, ¶ 12 (8th Dist.), we held that to find someone guilty of impeding traffic, “the trier of fact is ‘required to consider whether the traffic in the area was moving normally and reasonably and whether the defendant impeded its flow.’” *Id.*, quoting *Cleveland v. Dawson*, 1997 Ohio App. LEXIS 3201 (8th Dist. July 24, 1997). We also noted that the determination as to whether a vehicle has blocked or impeded traffic should be considered on a case-by-case fact basis. *Id.*

{¶ 15} In *Jackson*, the defendant-driver fell asleep at a traffic light, and police observed him stopped at the light for “several cycles.” *Id.* at ¶ 4 and 17. A long delay continuing through several traffic-light cycles could block or impede the flow of traffic. McClairn, however, was not stopped for more than one whole cycle; he was stopped for a total of 11 seconds. Moreover, there was no evidence that he blocked or impeded the flow of traffic. Courts have held that brief delays usually do not rise to the level of impeding traffic. For example, in *State v. Beghin*, 2004-Ohio-2654, ¶ 2, 21-26 (5th Dist.), the court held that a five-second delay at 2:00 a.m. did not create a reasonable basis for stopping the driver. Similarly, in *State v. Echols*, 1998 Ohio App. LEXIS 2897, *8 (11th Dist. June 26, 1998), the court held that an “eight to ten second stop in the street near the intersection, undertaken while the police cruiser was in the process of making a left hand turn, did not constitute a serious

impediment to the normal, reasonable movement of traffic, particularly since no other traffic was on the road at this time.”

{¶ 16} Officer Serrano never stated that McClairn’s vehicle actually blocked or impeded another vehicle. He admitted that “the streets [we]re virtually empty” (Tr. 26.) And, Officer Serrano’s dash-camera video confirms there were no other cars on the road at the time McClairn stopped at the light. Therefore, there was no evidence to support a finding that McClairn committed a slow-speed violation.

{¶ 17} The city nevertheless argues that Officer Serrano articulated multiple observations regarding McClairn’s driving, including the delay in proceeding through the green light, abnormal braking, swaying within his lane, and McClairn’s looking around inside his vehicle. (Appellant’s brief p. 8.) It argues that the totality of these circumstances gave rise to reasonable suspicion.

{¶ 18} However, courts have held that “slow speed alone or in combination with a late hour, does not amount to reasonable suspicion for a traffic stop” without evidence “that the slow motorist impeded or blocked traffic.” *State v. Bahen*, 2016-Ohio-7012, ¶ 25 (10th Dist.). *See also Echols*, 1998 Ohio App. LEXIS 2897, at *7-8 (holding that an eight-to-ten-second stop in the street near an intersection did not give rise to reasonable suspicion to justify a traffic stop); *State v. Bacher*, 2007-Ohio-727, ¶ 12 (1st Dist.) (rejecting the argument that “slow speed, in combination with the late hour, amounted to reasonable suspicion”).

{¶ 19} Moreover, with regard to “swaying,” Officer Serrano admitted that McClairn “never crossed any lane lines.” (Tr. 32.) In *State v. Grigoryan*, 2010-Ohio-2883, ¶ 25 (8th Dist.), we held that drifting on a yellow edge line was “inconsequential” and did not give rise to reasonable suspicion. In reaching this conclusion, the court relied on the Ohio Supreme Court’s decision in *State v. Mays*, 2008-Ohio-4539.

{¶ 20} In *Mays*, the Court held that “[a] traffic stop is constitutionally valid when a law-enforcement officer witnesses a motorist drift *over* the lane markings in violation of R.C. 4511.33, even without further evidence of erratic or unsafe driving.” (Emphasis added.) *Id.* at ¶ 25. However, the Court distinguished crossing over a marked lane line from drifting back-and-forth within the lane:

The court in *Hodge* also stated that it did not intend for its decision to stand for “the proposition that movement within one lane is a per se violation giving rise to reasonable suspicion, nor does inconsequential movement within a lane give law enforcement carte blanche opportunity to make an investigatory stop.” . . . However, when an officer could reasonably conclude from a person’s driving outside the marked lanes that the person is violating a traffic law, the officer is justified in stopping the vehicle.

Mays at ¶ 20, quoting *State v. Hodge*, 2002-Ohio-3053, ¶ 45 (7th Dist.).

{¶ 21} Officer Serrano testified that other than weaving within McClairn’s marked lane, he did not observe any other “supposed or alleged reckless conduct.” (Tr. 27.) Officer Serrano testified that he observed McClairn “looking around within his vehicle” while he was stopped at the light that turned green. (Tr. 33.) Even if McClairn delayed traveling through the intersection because he was looking around

in his vehicle, there was nothing criminal about such conduct. Moreover, our review of the dash-camera video confirms that McClairn did not drift outside his lane. He briefly moved to one side of the lane, but he mostly remained in the center of his lane. McClairn also braked briefly at an intersection with a green light, but he did not slow his speed much. Again, there was nothing criminal about McClairn's light braking through an intersection.

{¶ 22} In short, there was no evidence that McClairn committed any acts that would give rise to a reasonable suspicion of driving under the influence. Therefore, the trial court properly granted McClairn's motion to suppress.

{¶ 23} The sole assignment of error is overruled.

{¶ 24} Judgment affirmed.

It is ordered that appellee recover from appellant 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 municipal 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.

EILEEN T. GALLAGHER, PRESIDING JUDGE

KATHLEEN ANN KEOUGH, J., and
DEENA R. CALABRESE, J., CONCUR