[Cite as *State v. Haught*, 2026-Ohio-4479.]

COURT OF APPEALS OF OHIO

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

STATE OF OHIO,	:	
Plaintiff-Appellant,	:	No. 116045
v.	:	
MAKAYLA HAUGHT,	:	
Defendant-Appellee.	:	

JOURNAL ENTRY AND OPINION

JUDGMENT: REVERSED AND REMANDED
RELEASED AND JOURNALIZED: November 12, 2026

Criminal Appeal from the Cuyahoga County Court of Common Pleas
Case No. CR-23-686161-B

Appearances:

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney. Sarah E. Hutnik and Owen Knapp, Assistant Prosecuting Attorneys, *for appellant*.

Cullen Sweeney, Cuyahoga County Public Defender, and Michael V. Wilhelm, Assistant Public Defender, *for appellee*.

TIMOTHY W. CLARY, J.:

{¶ 1} Plaintiff-appellant the State of Ohio ("State") appeals the trial court's

grant of defendant-appellee Makayla Haught's ("Haught") motion to suppress evidence. For the following reasons, we reverse and remand.

I. Factual and Procedural History

{¶ 2} On November 2, 2022, Trooper Jordan Hershman ("Trooper Hershman"), a member of the Ohio State Highway Patrol ("OSHP"), initiated a traffic stop on Interstate 80 that is the basis of this appeal.

{¶ 3} While parked in a marked vehicle on the crossover of Interstate 80, Trooper Hershman observed a 2022 Toyota Avalon follow too closely to a semitruck — the car was only two-and-one-half car lengths behind the truck. The Avalon was a rental car driven by Robert Thompson ("Thompson"); Haught was the front-seat passenger. Thompson activated his turn signal and quickly merged into the right lane, failing to initiate his signal for the required 100 feet prior to making a lane change. Thompson continued in the right lane, following another semitruck with only two-and-one-half car lengths between the two vehicles. The road conditions were clear, with no snow or rain, and the Avalon drove the posted speed limit. Trooper Hershman entered the highway and initiated a traffic stop of the Avalon on the right highway shoulder. On appeal, the parties do not dispute the validity of the traffic stop.

{¶ 4} Trooper Hershman testified about his standard procedures when he stops a vehicle because of a traffic violation:

> DEFENSE COUNSEL: Why don't you walk us through — what do you do when you stop somebody for a traffic violation, what is your normal procedure?

> TROOPER HERSHMAN: Normal procedure is to ask the basic questions. First, to get their information, explain the traffic violation to them. And at that point after I got their information, I take it back to my patrol car and run their information and make sure they are valid and don't have any warrants. And then as I talk to them, I gather their information, I ask the basic questions where they are coming from and where they are going to and what their travel is for.
>
> DEFENSE COUNSEL: Those are your routine record checks that you do with every –
>
> TROOPER HERSHMAN: Yes.

Tr. 59-60. Trooper Hershman testified that it typically takes him 10-15 minutes to conduct a record check although an out-of-state license takes longer to complete. Trooper Hershman also testified that he routinely has occupants of a stopped vehicle take a seat in his patrol car because it is dangerous and loud on the side of the highway and he prefers to have them in his patrol car should he need to ask any additional questions while conducting a record check.

{¶ 5} In the instant case, Trooper Hershman approached the Avalon, requested Thompson's driver's license and car insurance, and "just began talking to him." Tr. 16. Trooper Hershman described his interaction with Thompson:

> While talking to [Thompson] and gathering his information, he was overly friendly with me to a very extreme level and laughing nervously, laughing at things that weren't funny. I found that extra odd because the front seat passenger, Mrs. Haught, was not engaged in the conversation and was focused forward and was very nervous and breathing heavy.

Tr. 19. During his initial contact with Thompson, Trooper Hershman did not smell marijuana emanating from the vehicle. Thompson advised that his brother, who

was not in the vehicle, had signed the rental car agreement; Thompson provided Trooper Hershman with his driver's license and the vehicle rental agreement. Trooper Hershman testified that he "had Mr. Thompson exit the vehicle and come back to [his] patrol car while [he] checked over [Thompson's] information." Tr. 18. Trooper Hershman conducted a pat down of Thompson, which revealed no contraband, and Thompson then sat in the back of the patrol car while Trooper Hershman performed a routine record check.

{¶ 6} Trooper Hershman described why Thompson and Haught were not free to leave at that point:

> DEFENSE COUNSEL: And so why is [Thompson] not free to go?
>
> TROOPER HERSHMAN: When I have you come back to my patrol car, I'm checking your information at that point in time, driver's license, the rental agreements. I typically — I don't have it in my reports, but typically I would check the criminal history if I start seeing strange behavior that would lead me to believe something criminal is going on.
>
> DEFENSE COUNSEL: Okay. He's detained though; correct?
>
> TROOPER HERSHMAN: On the traffic stop, yes. Not free to leave.
>
> DEFENSE COUNSEL: [Haught] is detained. She is not free to leave.
>
> TROOPER HERSHMAN: No.

Tr. 55-56.

{¶ 7} While seated in the patrol car, Thompson informed Trooper Hershman that he and his friend, Haught, had been at a baby shower in Detroit, Michigan. He further stated that because Haught had overslept, he was driving her

back to West Virginia where Thompson was headed to help move his brother. Thompson did not know Haught's last name.

{¶ 8} Trooper Hershman requested that Trooper Dowler and Sergeant Trader assist with the traffic stop and conduct a free-air sniff with the narcotics canine. Trooper Hershman testified that he did not recall when, during the traffic stop, he contacted the canine unit. Trooper Hershman further stated that OSHP protocol was to have all passengers exit a vehicle before conducting a free-air sniff:

> For our policy and our safety, we don't want anyone in the vehicle when we conduct a free[-]air sniff because our dogs are dual purpose. They apprehend people and sniff drugs, so it's safer for everybody.

Tr. 63.

{¶ 9} Trooper Hershman testified that upon approaching the Avalon for a second time to ask Haught to exit the vehicle, he smelled raw marijuana — an odor he is familiar with because of his training and experience with the OSHP — emanating from the passenger compartment of the vehicle. He did not inform Haught of this information, but asked her to exit her car because of the free-air sniff protocol. Additionally, as Trooper Hershman spoke with Haught, "there [were] things that [we]re giving [him] reasonable suspicion. So [he] want[ed] to talk to her." Tr. 62. Trooper Dowler and Sergeant Trader were on scene when Haught exited the Avalon.

{¶ 10} Trooper Hershman stated that less than ten minutes had elapsed when he thought he smelled raw marijuana. Trooper Hershman testified that the odor of marijuana gave him probable cause to search the Avalon. Trooper

Hershman was not questioned about nor did he specifically state whether he had completed Thompson's routine record check when he approached the Avalon a second time.

{¶ 11} Trooper Hershman testified that Haught confirmed she and Thompson were coming from a baby shower in Michigan. Haught also told him that Thompson was her boyfriend who stayed with her in West Virginia, she did not know his last name, and she had a marijuana pipe in her purse that was in the passenger compartment of the Avalon. At that point, Trooper Hershman read Haught her *Miranda* rights.

{¶ 12} According to Trooper Hershman, upon being subject to a pat-down search, Haught admitted to possessing a glass smoking pipe in the waistband of her pants. He testified that when he asked Haught if there was anything illegal in the vehicle, she stated that they were transporting something, but she did not know what. Trooper Hershman further testified that Haught stated her role in transporting the unknown items was to help drive the vehicle, and Haught admitted she did not really know Thompson. Haught asked Trooper Hershman not to inform Thompson about her comments because "it could get her into a lot of trouble." Tr. 26. Haught was placed in Trooper Dowler's patrol car while the troopers completed a search of the Avalon.

{¶ 13} Trooper Dowler conducted a probable cause search of the passenger compartment that revealed a pipe and digital scale in Haught's purse. Sergeant Trader searched the vehicle's trunk and discovered methamphetamine, cocaine, and

heroin. No marijuana was found in the vehicle. Trooper Hershman testified that he did not conduct a free-air sniff because the odor of raw marijuana gave him probable cause to search the vehicle.

{¶ 14} Trooper Hershman further testified that after the probable-cause search, he believed he issued Thompson a written warning for failing to properly use his turn signals.

{¶ 15} During the hearing on Haught's motion to suppress, Trooper Hershman was questioned about his investigation of the traffic violations that initiated the traffic stop:

> DEFENSE COUNSEL: Okay. What part of following too closely are you investigating when you ask questions of the driver and Ms. Haught?
>
> TROOPER HERSHMAN: It would depend on each stop, more so when I make the traffic stop. I'm going to talk to the driver of the vehicle. And if they're — and if they appear to be tired or I ask them where they are coming from and it's a long distance, and if they show signs of being tired, plus they are coming from far away, I make a suggestion, maybe you are sleepy, you can stop and get rest. It depends on their behavior, what I see from them, and the violation.
>
> DEFENSE COUNSEL: But you don't — you didn't do that in this case; correct?
>
> TROOPER HERSHMAN: No. But like I said, when I stopped him, he is laughing and talking normal to me. So he didn't show any signs of being tired.
>
> DEFENSE COUNSEL: Was there any additional investigation at that point then of the turn signal violation?
>
> TROOPER HERSHMAN: No.

DEFENSE COUNSEL: Okay. So you don't ask him, Hey, man, can you hit your turn signals for me and see and [sic] if they're working?

TROOPER HERSHMAN: No. Because I know they're working. I watched him use the turn signal.

DEFENSE COUNSEL: So you are not investigating turn signals. You're not investigating the following too closely. And those are the only two reasons that you had to pull this vehicle over?

TROOPER HERSHMAN: Well, I am investigating the traveling too close. I'm asking where they are coming from and going to, and I'm looking at his physical demeanor while I'm doing that.

DEFENSE COUNSEL: Do people from Michigan follow too close?

TROOPER HERSHMAN: Say that again.

DEFENSE COUNSEL: Do people from Michigan follow too close?

TROOPER HERSHMAN: I'm sorry, I don't know how to answer that question.

DEFENSE COUNSEL: What is it about following too closely that you're investigating when you ask them how they know each other?

TROOPER HERSHMAN: Well that's beyond the traffic stop at that point. I'm up there and observing, like I testified to earlier, he is overly laughing at me and talking to me and excited talking to me the entire time which is not normal. And what is even more abnormal is when the driver is happy and talking to me, the passenger is terrified and staring straight forward.

DEFENSE COUNSEL: How long did it take you to complete the traffic stop portion of this?

TROOPER HERSHMAN: The traffic stop is the entire thing. It's not a start to finish from when the traffic starts, stops and goes.

DEFENSE COUNSEL: How long did it take you to stop investigating the reasons you pulled them over?

> TROOPER HERSHMAN: Once I was up there with the vehicle and started observing behavior.
>
> DEFENSE COUNSEL: So that traffic — the following too closely, the lane change, those are essentially over immediately; correct?
>
> TROOPER HERSHMAN: Not immediately. You are still talking to them. But when I'm on that typical traffic stop for the violation I stopped you for, and I start seeing indicators that I have seen with criminal stuff in the past, then I start investigating that as well.

Tr. 51-54.

> TROOPER HERSHMAN: Again, the traffic violation and the reasonable suspicion are all flown [sic] into together. One doesn't stop and one begins. It's all one traffic stop.

Tr. 58.

> DEFENSE COUNSEL: We can agree there is a certain point of which there is nothing to investigate on the lane change and the following too closely; correct?
>
> TROOPER HERSHMAN: No. I don't agree. The whole traffic stop like I said before, flows together.

Tr. 59.

{¶ 16} Trooper Hershman's body-camera and patrol vehicle's dash-cam recorded the events of the traffic stop. However, the recordings were erased either because of improper long-term storage procedures or a glitch that occurred when the department's storage system was transitioned to a new vendor. Trooper Hershman testified that the video recordings were not intentionally destroyed and their absence was due to human error. According to Trooper Hershman, Trooper Dowler's and Sergeant Trader's patrol cars also had dash-cam recordings but

standard protocol was for the trooper initiating the traffic stop to preserve video recordings as evidence.

{¶ 17} Approximately one year after the traffic stop, on November 15, 2023, a Cuyahoga County Grand Jury indicted Haught on three counts of drug trafficking in violation of R.C. 2925.03(A)(2) and three counts of drug possession in violation of R.C. 2925.11(A). All six counts are felonies of the first degree, punishable by three to 11 years of prison time, and four of the counts include major drug offender specifications. Sixteen months later, on March 12, 2025, Haught pleaded not guilty to all counts.

{¶ 18} On October 31, 2025, Haught filed a motion to suppress, and the State filed a brief in opposition.[1] The court conducted a hearing on the motion, and the court issued a detailed judgment entry that granted Haught's motion to suppress. The court's order found that Haught lacked standing to challenge the search of the vehicle. However, the court's order granted Haught's motion to suppress and stated, in part: "[Haught's] motion to suppress is hereby granted. It is hereby ordered all statements made by [Haught] to law enforcement and all evidence recovered as a result of the search are hereby excluded and suppressed." Jan. 13, 2026 journal entry, p. 15.

{¶ 19} On January 20, 2026, the State filed a notice of appeal and now presents a sole assignment of error: The trial court erred when it granted appellee's

[1] On November 7, 2025, Haught filed her first amended motion to suppress. The only modification to the amended motion was made to the certificate of service that reflected the actual service date of October 31, 2025.

motion to suppress evidence based on the duration of the traffic stop. This appeal addresses the suppression of Haught's statements and evidence recovered during the search of Haught. The search of the vehicle is not at issue on appeal.

II. Legal Analysis

A. Standard of Review

{¶ 20} On appeal, a motion to suppress presents a mixed question of law and fact. *State v. Burnside*, 2003-Ohio-5372, ¶ 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." *Id.*, citing *State v. Mills*, 62 Ohio St.3d 357, 366 (1992). This court necessarily defers to the trial court's "factual findings because it is in the better position to resolve questions of fact and to evaluate witness credibility." *State v. McGowan*, 2011-Ohio-5663, ¶ 17 (8th Dist.). Thus, an appellate court accepts the trial court's findings of fact if they are supported by competent, credible evidence. *State v. Preztak*, 2009-Ohio-621, ¶ 22 (8th Dist.). Upon accepting the facts as true, "the appellate court must then independently determine, without deference to the conclusion of the trial court, whether the facts satisfy the applicable legal standard." *Burnside* at ¶ 18, citing *State v. McNamara*, 124 Ohio App.3d 706 (4th Dist. 1997).

{¶ 21} "At a hearing on a motion to suppress, the [S]tate bears the burden of establishing the validity of a traffic stop. . . . Likewise, once a warrantless search is established, it is the [S]tate's burden to show the validity of the search." *Lakewood*

v. Shelton, 2011-Ohio-4408, ¶ 13 (8th Dist.), citing *Xenia v. Wallace*, 37 Ohio St.3d 216, 218 (1988).

B. Analysis

{¶ 22} The State's appeal is limited to the argument that the trial court erred when it granted Haught's motion to suppress based on the duration of the traffic stop. On appeal, the legality of the traffic stop is not disputed.

{¶ 23} "A traffic stop is considered a seizure under the Fourth Amendment of the United States Constitution." *Heien v. N. Carolina*, 574 U.S. 54, 60 (2014). "A police officer may stop and detain a motorist when he [or she] has a reasonable and articulable suspicion that a motorist has committed, is committing, or is about to commit any criminal offense, including a traffic offense, and no independent reasonable and articulable suspicion of other criminal activity is required. . . ." *State v. Nelson*, 2009-Ohio-2546, ¶ 30 (2d Dist.), citing *Terry v. Ohio*, 392 U.S. 1 (1968).

{¶ 24} "[T]he tolerable duration of police inquiries in the traffic-stop context is determined by the seizure's 'mission' — to address the traffic violation that warranted the stop, and attend to related safety concerns." *Rodriguez v. United States*, 575 U.S. 348, 354 (2015).

> Beyond determining whether to issue a traffic ticket, an officer's mission includes "ordinary inquiries incident to [the traffic] stop." *Caballes*, 543 U. S., at 408, 125 S. Ct. 834, 160 L. Ed. 2d 842. Typically such inquiries involve checking the driver's license, determining whether there are outstanding warrants against the driver, and inspecting the automobile's registration and proof of insurance.

Id. at 355. When an officer detains a motorist for a traffic violation, the officer may delay the motorist for a sufficient time to issue a ticket or a warning, including the time sufficient to run a computer check on the driver's license, registration, and vehicle plates. *State v. Batchili*, 2007-Ohio-2204, ¶ 12; *State v. Dunlap*, 2024-Ohio-4821, ¶ 23-24. ("And once a traffic stop has been validly initiated, an officer is entitled to complete the mission of the stop, even after the initial reasonable suspicion has been dispelled."). "Authority for the seizure ends when tasks tied to the traffic infraction are — or reasonably should have been — completed." *Rodriguez* at 349.

{¶ 25} "An officer may also ask the driver about matters unrelated to the traffic stop itself, provided the questions do not measurably extend the stop." *State v. Byrd*, 2022-Ohio-4635, ¶ 19 (8th Dist.), citing *State v. Johns*, 2019-Ohio-4269, ¶ 16 (5th Dist.), citing *Rodriguez* at 354.

{¶ 26} An officer can order a driver to exit his or her vehicle, which is properly stopped for a traffic violation, without suspicion of criminal activity. *State v. Evans*, 67 Ohio St.3d 405, 407 (1993), citing *Pennsylvania v. Mimms*, 434 U.S. 106 (1977). An officer's request that the driver exit his or her vehicle and submit to a limited pat-down search of the driver's exterior clothing is not a violation of the Fourth Amendment. *State v. White*, 2014-Ohio-4202, ¶ 19-20 (8th Dist.).

{¶ 27} Further, even absent a reasonable suspicion of drug-related activity, a vehicle stopped pursuant to a valid traffic violation may be subject to a narcotics canine's free-air sniff of the exterior of the vehicle. *State v. Jones*, 2014-Ohio-2763,

¶ 23 (8th Dist.), citing *State v. Jones*, 2004-Ohio-7280, ¶ 24 (4th Dist.), citing *State v. Rusnak*, 120 Ohio App.3d 24, 28 (6th Dist. 1997). A canine free-air sniff is not considered a search under the Fourth Amendment of the United States Constitution or the Ohio Constitution. *State v. Beavers*, 2007-Ohio-2915, ¶ 13 (8th Dist.), citing *United States v. Place*, 462 U.S. 696, 707 (1983). "'Police officers are permitted to conduct a canine-sniff during the time that it takes to issue a traffic citation provided the duration of the traffic stop is not extended beyond what is reasonably necessary to resolve the traffic violation matter.'" *State v. Franklin*, 2026-Ohio-1189, ¶ 30 (8th Dist.), citing *Byrd* at ¶ 22, citing *In re $75,000.00 United States Currency*, 2017-Ohio-9158, ¶ 28 (8th Dist.). "Once a drug dog indicates an odor of drugs in a lawfully detained vehicle, officers have probable cause to search the vehicle." *Beavers* at ¶ 13, citing *State v. Nguyen*, 2004-Ohio-2879, ¶ 22 (6th Dist.).

{¶ 28} If the circumstances attendant to the traffic stop create a reasonable suspicion of other illegal activity, the officer may detain the motorist so long as the new articulable and reasonable suspicion continues. *Jones*, 2014-Ohio-2763 at ¶ 22 (8th Dist.), citing *State v. Moore*, 90 Ohio St.3d 47, 48 (2000); *State v. Fips*, 2026-Ohio-1207, ¶ 18, citing *State v. Hale*, 2024-Ohio-4866, ¶ 24 ("When an officer discovers facts during a traffic stop that give rise to a reasonable suspicion of criminal activity, the officer may extend the traffic stop to investigate."). "This is so even if the suspected criminal activity is 'beyond that which prompted the initial stop.'" *Fips* at ¶ 18, quoting *Batchili*, 2007-Ohio-2204 at ¶ 15. The existence of reasonable suspicion is determined by evaluating the totality of the 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*, 2003-Ohio-1047, ¶ 14 (2d Dist.), quoting *State v. White*, 2002 Ohio App. LEXIS 145, *5 (2d Dist. 2002), quoting *State v. Andrews*, 57 Ohio St.3d 86, 87-88 (1991). "Reasonable suspicion requires more than an inchoate and unparticularized suspicion or hunch, and the police officer must base his suspicion on specific and articulable facts that criminal activity may be afoot." *Byrd* at ¶ 25, citing *Cleveland v. Maxwell*, 2017-Ohio-4442, ¶ 18-19 (8th Dist.), citing *Terry*, 392 U.S. 1 at 21.

{¶ 29} Here, following the valid traffic stop, Thompson provided Trooper Hershman with his Michigan driver's license and a copy of the rental car agreement. Trooper Hershman asked Thompson about his travel plans, asked him to exit the vehicle, performed a pat-down search of his exterior clothing, and asked him to sit in the patrol vehicle while the trooper completed a record check. At some point during the traffic stop and without a reasonable suspicion of drug-related activity, Trooper Hershman contacted Trooper Dowler and Sergeant Trader and requested that they conduct a canine free-air sniff of the vehicle. All of these acts were within the parameters of the law and did not violate Haught's Fourth Amendment rights.

{¶ 30} The next inquiry is whether the traffic stop was unnecessarily prolonged. As stated above, an officer's mission at the time of a traffic stop incorporates basic inquiries, including checking the driver's license, determining if the driver has any outstanding warrants, and inspecting the automobile's registration and proof of insurance. *Rodriguez*, 575 U.S. 348 at 355. An officer is

entitled to finish carrying out the traffic stop's mission, such as completing a record check, without reasonable suspicion of a crime beyond the traffic violation. *State v. Tanner*, 2025-Ohio-2087, ¶ 21 (2d Dist.) ("Under the Fourth Amendment, absent reasonable suspicion, [the officer] was only permitted to detain Tanner for the amount of time necessary to issue the citation and perform routine procedures, such as a computer check on the motorist's driver's license, registration and vehicle plates."). "When determining whether there is a Fourth Amendment issue with the length of a traffic stop, courts examine the totality of the circumstances and must ask "'at what point in time did the purpose of the traffic stop end and the detention of the driver and the vehicle's occupants begin?'" *In re $75,000.00 United States Currency (Katz)*, 2017-Ohio-9158 at ¶ 27, quoting *State v. Fontaine*, 2013-Ohio-5257, ¶ 16, 18 (8th Dist.), quoting *United States v. Bonilla*, 357 Fed. Appx. 693 (6th Cir. 2009); citing *U.S. v. Torres-Ramos*, 536 F.3d 542, 550 (6th Cir. 2008); *Batchili*, 2007-Ohio-2204 at ¶ 12.

{¶ 31} It is unknown when the troopers and the narcotics canine arrived to assist Trooper Hershman. However, the testimony established that Haught exited the Avalon and was placed in the back of Trooper Dowler's patrol car. Accordingly, Trooper Dowler and Sergeant Trader had arrived before or at the time Trooper Hershman approached the Avalon a second time to communicate with Haught. Trooper Hershman did not testify that the traffic stop was extended to facilitate the canine free-air sniff, and the evidence did not indicate an extension occurred.

{¶ 32} The court's findings of fact stated that Trooper Hershman conducted a record check on Thompson after he placed the driver in the back of his patrol car. Trooper Hershman testified that a record check typically takes 10-15 minutes although an out-of-state license, such as Thompson's, requires additional time. He further testified that as he approached the vehicle with the intent of asking Haught to exit the vehicle so that the canine could perform the free-air sniff, less than 10 minutes had elapsed from the start of the traffic stop. The timing indicated Trooper Hershman was still conducting a record check when he approached the vehicle to speak with Haught and smelled raw marijuana.

{¶ 33} Although the overall length of a traffic stop is relevant in determining if a traffic stop is prolonged, a court's inquiry should not only assess whether the overall length of time was reasonable, but whether the time taken was reasonable to affect the purpose of the stop. *See Rodriguez*, 575 U.S. 348 at 357; *Byrd*, 2022-Ohio-4635 at ¶ 19 (8th Dist.), citing *Batchili*, 2007-Ohio-2204 at ¶ 12 ("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. Brown*, 2009-Ohio-3804, ¶ 22 (6th Dist.), quoting *State v. Beltran*, 2005-Ohio-4194, ¶ 16 (12th Dist.) ("'When conducting the stop of a motor vehicle for a traffic violation, an officer may detain the vehicle for a time sufficient to investigate the reasonable, articulable suspicion for which the vehicle was initially stopped.'"). Based upon relevant case law, Trooper Hershman could continue the

traffic stop to complete the record check and issue a warning or citation and during that time he was permitted to conduct a free-air sniff with the narcotics canine. Trooper Hershman's approach of the vehicle a second time to ask Haught to exit the vehicle was reasonable based upon his mission to complete an out-of-state record check and his decision to conduct a free-air sniff. The evidence did not show Trooper Hershman detained Thompson and Haught solely to conduct the free-air sniff.[2] The traffic stop was not unnecessarily prolonged.

{¶ 34} For the foregoing reasons, the trial court erred when it determined the traffic stop was prolonged unnecessarily and granted Haught's motion to

---

[2] We note that the trial court relied on *Byrd*, 2022-Ohio-4635 (8th Dist.), to support its conclusion that Trooper Hershman unreasonably prolonged the traffic stop. The officer in *Byrd* completed his investigation of the traffic stop before the arrival of the narcotics canine. The officer extended the detention of Byrd beyond the mission of the traffic stop until the narcotics canine arrived based on a hunch of criminal behavior. The officer needed a reasonable, articulable suspicion to prolong the stop after completing his investigation of the traffic stop. Accordingly, the prolonged detention of Byrd amounted to a violation of his Fourth Amendment right against an unreasonable search and seizure. The facts before us are distinguishable from those in *Byrd*. Here, there was no evidence that Trooper Hershman concluded the traffic stop before the narcotics canine arrived or before he approached the Avalon for a second time to ask Haught to exit the vehicle.

The trial court also concluded that "the initial investigation into the traffic stop ended almost immediately upon Trooper Hershman's first approach of the vehicle" and, therefore, the "stop was unreasonably prolonged beyond the time reasonably required to complete the mission of the stop." Jan. 13, 2026 judgment entry, p. 13 and 14. The trial court presumably relied on Trooper Hershman's initial statement that his questioning of Thompson and Haught about how they knew one another was "beyond the traffic stop." Tr. 53. But Trooper Hershman subsequently stated several times that the traffic stop encompassed all his interactions with Thompson and Haught. And, more importantly, an officer's mission during a traffic stop includes inquiries about the violation and running a check on the driver's license, registration, and vehicle plates. Trooper Hershman had not completed his mission, nor could Haught argue that he reasonably should have completed those tasks, before he approached the vehicle for a second time to communicate with Haught.

suppress. Accordingly, we reverse the trial court's order and remand to the trial court for further proceedings.

{¶ 35} Judgment reversed and remanded.

It is ordered that appellant recover from appellee 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 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.

_____

TIMOTHY W. CLARY, JUDGE

MARY J. BOYLE, P.J., and
KATHLEEN ANN KEOUGH, J., CONCUR