

## MEDIA RELEASE

CASE: State of Ohio v. Elizabeth Dixon

CASE NO: Warren CA2008-01-006

PANEL: Presiding Judge James E. Walsh, Judges H.J. Bressler and William W. Young

JUDGMENT: Affirmed

TRIAL COURT: Warren County Court of Common Pleas

ATTORNEYS: Rachel A. Hutzler, Warren County Prosecuting Attorney, Mary K. Martin, 500 Justice Drive, Lebanon, Ohio 45036, for plaintiff-appellee

Shawn A. Stiver, 501 West Loveland Avenue, Loveland, Ohio 45140, for defendant-appellant

The Twelfth District Court of Appeals has affirmed the conviction of Elizabeth Dixon, who pleaded no contest to illegally assembling or possessing chemicals for the manufacture of drugs, endangering children, and inducing panic.

On May 27, 2007, Sergeant Aaron Zimmaro of the Springboro Police Department was on patrol when he heard on his radio a discussion among fellow police officers regarding a nearby suspicious vehicle. This vehicle, driven by Dixon, was of particular concern to officers because it was on a "be on the lookout" (BOLO) list due to Dixon's possible drug activities.

Sgt. Zimmaro drove to the location of the suspicious vehicle and began to follow it. When Dixon failed to signal while turning into a private residence, the sergeant activated his lights and initiated a traffic stop. At that point, he noticed Dixon immediately jumped out of the vehicle, and while standing outside, reached into the front of the vehicle to shuffle some items around.

Shortly thereafter, Officer Nick Clark, a canine unit officer, arrived at the scene and had his narcotics dog conduct a drug sniff around the outside of the vehicle. The canine alerted the officer to the rear of the car. Dixon voluntarily spoke to Officer Clark and told him there were components to make methamphetamine inside the vehicle.

Following Dixon's indictment, she moved the court to suppress evidence of the results of the search of her vehicle. After a hearing on October 9, 2007, the trial court denied her motion. On October 17, 2007, Dixon pleaded no contest to the charges, and the trial court found her guilty. Thereafter, she withdrew her guilty plea and moved the court to reopen the suppression hearing for further arguments.

On December 19, 2007, the trial court heard new arguments and again denied Dixon's motion to suppress. Dixon then reinstated her plea, and the court found her guilty on all charges and sentenced her to a total of three years in prison. Dixon appealed her conviction, asserting the stop and search violated her Fourth Amendment right to be free from unreasonable searches and seizures.

Writing for a unanimous court, Presiding Judge James E. Walsh found the officer had probable cause to stop Dixon when he observed her violating a traffic ordinance. The officers had further probable cause to search the vehicle when the trained narcotics dog alerted them to the rear of the vehicle during the lawfully conducted drug sniff and when Dixon admitted to having materials to manufacture methamphetamine in her vehicle. Judge William W. Young and Judge H.J. Bressler concurred in the opinion.