

IN THE MUNICIPAL COURT OF ASHLAND
ASHLAND COUNTY, OHIO

STATE OF OHIO,

: Case No. 11-TR-C-00520

Plaintiff,

:

vs.

: JUDGMENT ENTRY

KEITH TRUMBAUER,

:

Defendant.

:

This matter came before the Court on the Defendant's Motion to Suppress. Having had the benefit of testimony and argument, the Court hereby FINDS as follows:

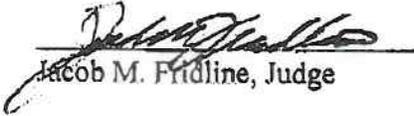
With regard to the issue of probable cause (probable cause to arrest), the Court FINDS that there was probable cause to arrest the Defendant. This conclusion was based on the observations of the officer which included symptoms of alcoholic influences, results of the field sobriety tests, erratic driving and an odor of alcohol coming from the Defendant's person.

As to the horizontal gaze nystagmus test, the Court FINDS that the officer testified that he had been trained to administer those tests inside the cruiser. The results of the horizontal gaze nystagmus test administered inside the cruiser are admissible so long as the officer has been trained to perform that test in this manner. As to the one-leg stand test, the Court FINDS that substantial compliance was established by the testimony of the officer. With regard to the walk and turn test, the Court notes that the instruction phase is required to be completed twice and in this case it was not done once. Therefore, there was no substantial compliance with the administration of the walk and turn and the results of that test are suppressed in so far as to the

number of clues that were present. The observations made by the officer are not suppressed as to this field sobriety test.

A review of the testimony and exhibits introduced pertaining to the admissibility of the results of the Intoxilyzer 8000 test convinces me that there are no problems with the admissibility of this breath test.

As to the administration license suspension, the Court FINDS that the State offered evidence as to all the requirements for this suspension to be sustained. It is therefore, the Order of the Court that the administrative license suspension appealed be OVERRULED.


Jacob M. Fridline, Judge

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ASHLAND, OHIO
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Defendant's Attorney, Daniel Sabol