

[Cite as *State v. Coppage*, 2003-Ohio-2076.]

IN THE COURT OF APPEALS FOR MONTGOMERY COUNTY, OHIO

STATE OF OHIO :  
Plaintiff-Appellee : C.A. Case No. 19404  
vs. : T.C. Case No. 01-CR-3099  
CHERYL ANN COPPAGE : (Criminal Appeal from Common  
Defendant-Appellant : Pleas Court)

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OPINION

Rendered on the 25th day of April, 2003.

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BROGAN, J.

{¶1} Cheryl Ann Coppage appeals from her conviction and sentence in the  
Montgomery County Common Pleas Court on one count of crack cocaine possession, a  
fifth-degree felony.

{¶2} In her sole assignment of error, Coppage argues that the trial court erred  
in overruling her motion to suppress the cocaine, which police found in her car after a

traffic stop.

{¶3} The record reflects that on August 15, 2001, Dayton police officers Rodney Hughes and Jennifer Godsey were in an unmarked vehicle conducting surveillance of an apartment known for drug sales. Shortly after 11:00 a.m., they saw a gray car park in an alley behind the apartment. A female exited the car and went to the rear of the building. A few minutes later, she reappeared, entered the car, and proceeded out of the alley. Officers Hughes and Godsey followed the gray car and observed the driver fail to signal a turn from Main Street onto Beechwood. Godsey reported this violation on her police radio so that a marked police car could make a traffic stop. She and Hughes then maintained visual contact with the gray car until they saw officer Jack Simpson initiate a traffic stop in a marked police cruiser.

{¶4} Simpson made the stop based solely on the information reported by Godsey over the police radio. After approaching the gray vehicle, he spoke with Coppage, the lone occupant, who stated that her driver's license was suspended. Simpson then ordered Coppage out of the car so he could place her under arrest for driving under suspension. As Coppage stepped out of the car, he noticed what appeared to be crack cocaine on the seat. A field test confirmed that the substance was crack cocaine.

{¶5} As a result of the foregoing incident, Coppage was arrested and charged with possession of crack cocaine in an amount of one gram or less. She subsequently moved to suppress the cocaine, arguing that officer Simpson lacked a reasonable, articulable suspicion of a traffic violation to justify stopping her car. After conducting an evidentiary hearing, the trial court overruled Coppage's motion. She then changed her

plea to no contest, and the trial court found her guilty.

{¶6} On appeal, Coppage advances two arguments in support of her assignment of error. First, she argues that the trial court should have suppressed the cocaine found in her car because officer Simpson lacked a reasonable, articulable suspicion that she had violated any law.<sup>1</sup> Second, Coppage contends that the testimony of the State's witnesses was not credible and that the trial court's ruling on the suppression motion was against the manifest weight of the evidence.

{¶7} With regard to the first argument, Coppage insists that Simpson was not entitled to stop her car because he (1) did not have a description of the driver, (2) was not told the license plate number of the suspect vehicle, (3) did not receive a "good description" of the car that committed the traffic offense, (4) did not see the person in the gray car commit any offense, and (5) did not receive confirmation from officer Godsey that he had stopped the right car.

{¶8} Upon review, we are unpersuaded that the foregoing assertions warrant the reversal of Coppage's conviction. Godsey testified that she and officer Hughes followed Coppage's vehicle and saw it turn without signaling. This observation provided Godsey and Hughes with a reasonable, articulable suspicion of a traffic violation and

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<sup>1</sup>At times in her appellate brief, Coppage also refers to the absence of probable cause to justify stopping her vehicle. It is well settled, however, that only reasonable, articulable suspicion is needed to make a traffic stop. See, e.g., *State v. Philipot* (Aug. 4, 2000), Montgomery App. No. 17895 (recognizing that "[a] traffic stop is legitimate if the officer possessed specific and articulable facts that a driver had committed or may be committing a criminal act, which includes the violation of a traffic law"). In any event, the same evidence that would support an investigatory stop also would support a finding of probable cause in the present case. As explained more fully above, police saw Coppage fail to signal when making a turn. The observation of this traffic offense provided both reasonable, articulable

justified stopping Coppage's vehicle. *Whren v. United States* (1996), 517 U.S. 806; *Dayton v. Erickson*, 76 Ohio St.3d 3, 11-12, 1996-Ohio-431. Furthermore, Godsey testified that she provided a description of Coppage's vehicle on her police radio. Although neither Godsey nor Simpson could recall the specifics of the description, Simpson testified that he saw the suspect vehicle within ten to fifteen seconds of hearing Godsey's report. He also testified that he was "certain" he had stopped the right car. This assertion was confirmed by Godsey, who testified that she maintained visual contact with Coppage's car from the time she saw the traffic violation until she saw Simpson make the stop.

{¶9} Under well settled law, officer Simpson was entitled to stop Coppage after hearing Godsey report the traffic violation on her police radio. As this court recently noted in *State v. Heard*, Montgomery App. No. 19322, 2003-Ohio-906, "[a]n officer need not have knowledge of all of the facts necessary to justify an investigatory stop, as long as the law enforcement body as a whole possesses such facts and the detaining officer reasonably relies upon those who possess the facts." Consequently, "[a] police radio broadcast may provide the necessary stimulus for an investigatory stop, even where the officer making the stop lacks all of the information justifying the stop." *Id.* Given that officers Godsey and Hughes saw Coppage commit a traffic violation, and officer Simpson relied on a police report of the violation when making his stop, we conclude that the trial court properly overruled Coppage's motion to suppress.

{¶10} With regard to Coppage's second argument, we also do not agree that the trial court's ruling on the suppression motion was against the manifest weight of the

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suspicion and probable cause to believe that a violation of the law had occurred.

evidence. When a defendant raises a manifest-weight argument, we must review the entire record, weigh the evidence and all reasonable inferences, consider witness credibility, and determine whether, in resolving conflicts in the evidence, the trier of fact clearly lost its way and created a manifest miscarriage of justice. *State v. Thompkins*, 78 Ohio St.3d 380, 387, 1997-Ohio-52.

{¶11} In the present case, Coppage argues that the trial court's ruling on her suppression motion was against the manifest weight of the evidence because Godsey's testimony was not credible. In particular, Coppage challenges Godsey's testimony that the gray car traveled a circular route after leaving the apartment. According to Coppage, she had no reason to travel such a route to go from the apartment to her home. As a result, she suggests that Godsey's testimony about having followed her is unworthy of belief. Coppage also argues that the trial court's suppression ruling was against the manifest weight of the evidence because the officers were unable to recall "many details of that day."

{¶12} Upon review, we reject Coppage's arguments concerning the manifest weight of the evidence to support the trial court's suppression ruling. We cannot agree that Godsey's testimony is unworthy of belief merely because she described following Coppage in a somewhat circular path of travel. Although the record does not reveal why Coppage may have taken such a route, we note the existence of many potential explanations. For example, Coppage may not really have been headed home, she may have noticed the unmarked car following her, or she simply may have made a wrong turn. In any event, nothing about Godsey's testimony is so incredible as to defy belief, and it does not persuade us that the trial court created a manifest miscarriage of justice

in overruling Coppage’s suppression motion.

{¶13} We also reject Coppage’s manifest-weight argument based on the inability of the State’s witnesses to recall certain details. Regardless of the officers’ inability to remember some facts at the suppression hearing, which was held more than seven months after Coppage’s arrest, we note that the State’s witnesses were able to recall the crucial facts. In particular, Godsey testified that she saw a gray car driven by Coppage commit a traffic violation. Godsey also testified that she reported the violation and gave a description of the car on her police radio. In addition, Godsey testified that she followed the car until she saw officer Simpson make a traffic stop. Finally, Simpson testified that he heard the report, seconds later saw a car matching the description given by Godsey, and made a traffic stop of Coppage’s car. In light of this testimony, we cannot say that the trial court’s denial of the motion to suppress was against the manifest weight of the evidence.

{¶14} Based on the reasoning and citation of authority set forth above, we hereby overrule Coppage’s assignment of error and affirm the judgment of the Montgomery County Common Pleas Court.

Judgment affirmed.

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WOLFF, J., and GRADY, J., concur.

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