

**IN THE COURT OF APPEALS**  
**FIRST APPELLATE DISTRICT OF OHIO**  
**HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-160753
		C-160754
Plaintiff-Appellee,	:	TRIAL NO. 15CRB-5295A
		15CRB-5295B
vs.	:	
STACIE R. DONOHUE,	:	<i>JUDGMENT ENTRY.</i>
Defendant-Appellant.	:	

We consider these appeals on the accelerated calendar, and this judgment entry is not an opinion of the court. See R.Rep.Op. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Stacie Donohue appeals her misdemeanor convictions for possession of drug paraphernalia and possession of drug-abuse instruments.

In her first assignment of error, Donohue argues that the trial court erred in denying her motion to suppress, which challenged the search and seizure of her by police under the Fourth Amendment to the United States Constitution. Donohue argues that the officers lacked a reasonable, articulable suspicion to stop her. See *Terry v. Ohio*, 392 U.S. 1, 21, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968); see also *Chandler v. Miller*, 520 U.S. 305, 313, 117 S.Ct. 1295, 1301, 137 L.Ed.2d 513 (1997) (holding that reasonable suspicion requires “individualized suspicion of wrongdoing”).

At the suppression hearing, a police officer testified that officers had been conducting a two-week surveillance of a home in which a known drug dealer was living. Responding to community complaints regarding the home, police set up controlled drug buys using confidential informants and marked money. During this surveillance, police witnessed Donohue enter the home of the suspected drug dealer and then exit five minutes later. The officer testified that, in his experience, Donohue's behavior had been consistent with a pattern of behavior by others engaging in drug transactions.

Donohue argues that her conduct in visiting the home for five minutes or less is not necessarily indicative of illegal behavior, and that this conduct alone could not constitute reasonable suspicion. In determining whether the officers acted reasonably in stopping Donohue on suspicion of drug activity, her conduct cannot be viewed in isolation, but must be reviewed under the totality of the circumstances. *See State v. Freeman*, 64 Ohio St.2d 291, 414 N.E.2d 1044 (1980), paragraph one of the syllabus; *see also In re M.P.*, 1st Dist. Hamilton Nos. C-130663 and C-130741, 2014-Ohio-2846, ¶ 9, quoting *U.S. v. Cortez*, 449 U.S. 411, 417-418, 101 S.Ct. 690, 66 L.Ed.2d 621 (1981) ("Based upon [the totality of the circumstances] the detaining officers must have a particularized and objective basis for suspecting the particular person stopped of criminal activity."). Thus, officers may witness "a series of acts, each of them perhaps innocent in itself, but which taken together warrant[] further investigation." *See Terry* at 22. Moreover, "[a] court reviewing the officer's actions must give due weight to his experience and training and view the evidence as it would be understood by those

in law enforcement.” *State v. Andrews*, 57 Ohio St.3d 86, 88, 565 N.E.2d 1271 (1991).

We conclude, based upon the totality of the circumstances, that the officers had a reasonable, articulable suspicion that Donohue had just engaged in drug activity. Therefore, we overrule the first assignment of error.

In her second assignment of error, Donohue argues that the trial court lacked jurisdiction to convict her of possessing drug-abuse instruments, because no complaint had been filed. *See State v. Mbdoji*, 129 Ohio St.3d 325, 2011-Ohio-2880, 951 N.E.2d 1025, paragraph one of the syllabus. The original transcript of the docket and journal entries transmitted to this court did not contain the complaint against Donohue in the case numbered 15CRB-5295B. However a supplemental transcript of the docket and journal entries contained that complaint, charging possession of drug-abuse instruments. Therefore, the record reflects that the trial court proceeded upon a valid complaint in that case. We overrule Donohue’s second assignment of error.

We affirm the judgment of the trial court.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**MOCK, P.J., MILLER and DETERS, JJ.**

To the clerk:

Enter upon the journal of the court on August 25, 2017

per order of the court \_\_\_\_\_.  
Presiding Judge