

COMMONWEALTH OF KENTUCKY
McCRACKEN CIRCUIT COURT
DIVISION NO. II
INDICTMENT NO. 06-CR-00408

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

ORDER DENYING MOTION TO SUPPRESS

RACHEL AHMANN LEATHERMAN

DEFENDANT

Pursuant to a hearing on Defendant's Motion to Suppress, the Court makes the following Findings of Fact and Conclusions of Law in denying the motion.

FINDINGS OF FACT

1. A Sheriff's Deputy received a dispatch that a Vernon Wilkey reported that a blonde female, driving a dark blue LaSabre with Washington license plate tried to buy heroin from him. She was wearing a blue shirt and her blue jeans pants were unzipped and unbuttoned. [REDACTED]
2. The Deputy later observed a dark blue LeSabre with Washington license plates. The vehicle was in a right traffic lane with the left turn signal activated. The vehicle did not turn left, but continued on straight.
3. The vehicle then pulled to the right side of the road, the Deputy activated his emergency lights, and the vehicle stopped.
4. The Deputy approached the vehicle and found Defendant, a blonde female, with her pants unzipped and unbuttoned.

5. When Defendant first exited the vehicle the Deputy observed a wristwatch in close proximity to a baggie with apparent controlled substance inside the car. Defendant denied the apparent controlled substance was hers but acknowledged the wristwatch was hers.

6. Defendant was given a horizontal gaze nystagmus test which indicated she was intoxicated. Her eyes were glassy and there was an open beer in the car.

7. The Court takes judicial notice that the state of Washington is over two thousand (2,000) road miles from McCracken County Kentucky and that there are, in general, few Washington licensed vehicles in residential areas of McCracken County.

CONCLUSIONS OF LAW

1. Because the caller who reported the attempted purchase of heroin was identified, the report is considered more reliable than an anonymous tip.

2. Attempted possession of a controlled substance is a felony offense in Kentucky.

3. A report from an identified person to police that a person tried to purchase heroin (a controlled substance) creates reasonable suspicion for the police to make an investigatory stop.

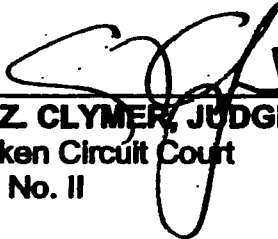
4. Giving an improper turn signal is a traffic violation in Kentucky. Defendant's signaling to turn left while continuing straight constitutes a reasonable suspicion for Defendant to be stopped and cited or investigated for a traffic offense.

5. The controlled substance was in plain view when Defendant exited her vehicle after a legal stop.

6. The drugs sought to be excluded from evidence were discovered pursuant to a valid traffic stop and are, therefore, admissible in evidence.

Therefore, IT IS HEREBY ORDERED that the Defendant's Motion for Suppression is DENIED.

ENTERED this 11 day of January, 2007.


CRAIG Z. CLYMER, JUDGE
McCracken Circuit Court
Division No. II



CLERK'S CERTIFICATE

The foregoing Order was entered on this 11 day of January, 2007, and copies mailed to:

Commonwealth Attorney
Hon. Will Kautz

MIKE LAWRENCE, CLERK
McCRACKEN CIRCUIT COURT

BY:  D.C.

emergencies, rights, and the verities

4. The Deputy

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