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COMMONWEALTH OF KENTUCKY  
MCCRACKEN CIRCUIT COURT  
DIVISION NO. II  
Indictment No. 06-CR-00408

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

RACHEL AHMANN LEATHERMAN

DEFENDANT

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**SUPPLEMENTAL ORDER DENYING MOTION TO SUPPRESS**

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The defendant has requested the Court to consider additional information and evidence supplementing the record in this case, based upon which the Court makes the following supplemental Findings of Fact and Conclusions of Law in denying defendant's Motion to Suppress:

**FINDINGS OF FACT**

1. The 911 dispatcher received a call from an identified public citizen, Vernon Wilkey, who reported that a white female driving a dark blue LaSabre with Washington State license plates made unusual and disturbing statements about heroin in his neighborhood.
2. 911 called deputies and alerted them to the woman, her vehicle, and her suspicious drug activity.
3. Within minutes Deputy McGuire observed a dark blue LaSabre with Washington State license plates driven by a white female exactly matching the 911 description. The vehicle was traveling slowly in the right traffic lane of Highway 60 with the left turn signal activated for an unusually long time for no apparent reason. The vehicle did not turn left, but continued on straight, which all appeared unusual and suspicious to the deputy.
3. The vehicle then pulled to the right side of the road and stopped without any signaling to

do so by the deputy. This demonstrated additional unusual behavior by the defendant. The deputy then pulled in behind the defendant's vehicle and activated his roadside stop lights. By the time the deputy stopped, he had reasonable grounds and reasonable suspicion to approach the driver. He exited his cruiser and walked to speak to the driver.

4. The deputy observed in plain view a half empty but opened container of beer and a half empty but corked bottle of wine. The defendant's eyes were glassy. He then had reasonable grounds to check the driver's sobriety. The defendant failed all HGN tests. She also gave unusual responses to instructions given to her by the deputy; she appeared somewhat confused; she appeared nervous; and she appeared to the deputy to be under the influence of drugs or alcohol.

5. The defendant admitted to the deputy that she was on a number of medications, including Clonazepam. Clonazepam is a strong anti-psychotic medication which interferes with motor performance, including driving a motor vehicle. Clonazepam also causes abnormal eye movements.

6. The deputy had reasonable grounds and probable cause to arrest the defendant for DUI.

7. The defendant was transported to the hospital for the taking of a blood test. At the hospital a suspicious baggie was found next to the defendant's watch in the back seat of the deputy's patrol cruiser. The deputy knew that the patrol cruiser did not have the suspicious plastic baggie or a watch before the defendant was placed into the back seat. The defendant admitted losing her watch. The deputy had probable cause and exigent reasons to seize the baggie. The baggie appeared to contain crack cocaine. The deputy had probable cause to arrest the defendant for tampering with evidence and possession of cocaine.


#### **CONCLUSIONS OF LAW**

1. The caller who reported the defendant's unusual interest in heroin was identified. Such a report is considered more reliable than an anonymous tip.

2. The deputy had reasonable suspicion and probable cause to make an investigation stop and search of the defendant and her vehicle.

3. Discovery of the suspicious plastic baggie in the back seat of the deputy's cruiser was based on plain view discovery. The defendant and her vehicle had previously been properly detained based on the circumstances described above which proceeded the discovery of the baggie.

SO ORDERED this 28 day of January, 2008.

  
CRAIG Z. CLYMER, JUDGE  
McCracken Circuit Court  
Division II

ENTERED

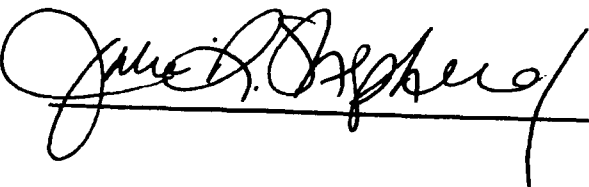
JAN 28 2008

MCCRACKEN CIRCUIT COURT  
PADUCAH, KENTUCKY

**CLERK'S CERTIFICATE**

I hereby certify that the foregoing Order was served upon the Commonwealth Attorney, McCracken County Courthouse, Paducah, Kentucky 42003; and on Hon. Chris McNeill, Department of Public Advocacy, 400 Park Avenue, Suite B, Paducah, Kentucky 42001, attorney for defendant, by mailing a true and correct copy on this 28 day of January, 2008.

MIKE LAWRENCE  
McCracken Circuit Court Clerk

  
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