# CAPTION: STATE V. ACKLIN

**05-08-23**

APPEAL NOS: C-230396

C-230397

TRIAL NOS: 21CRB-14288

21TRC-18577A

KEY WORDS: CONSTITUTIONAL LAW/CRIMINAL – SUPPRESSION – INVITED ERROR – OPERATING A VEHICLE WHILE UNDER THE INFLUENCE – MANIFEST WEIGHT OF THE EVIDENCE

SUMMARY:

Defendant abandoned at the suppression hearing the argument raised on appeal that evidence must be suppressed because the police officers lacked probable cause to arrest defendant and invited any error by the trial court not deciding the motion to suppress on that issue, and therefore, defendant cannot raise the abandoned argument on appeal.

Defendant’s conviction for operating a vehicle while under the influence was not against the manifest weight of the evidence where there are some inconsistencies between the testimony of the police officers and the officers’ body-worn camera footage, but the trier of fact did not clearly lose its way in resolving those discrepancies where the body-worn camera footage supported the officers’ testimonies that defendant displayed physical indicia of intoxication.

JUDGMENT: AFFIRMED

JUDGES: OPINION by WINKLER, J.; BOCK, P.J., and BERGERON, J., CONCUR.