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

STATE OF OHIO,	:	APPEAL NO. C-250699 TRIAL NO. B-2502393
Plaintiff-Appellee,	:	
vs.	:	
WILLIAM BOOKER,	:	
Defendant-Appellant.	:	*JUDGMENT ENTRY*

This cause was heard upon the appeal, the record, and the briefs.

For the reasons set forth in the Opinion filed this date, the judgment of the trial court is affirmed.

Further, the court holds that there were reasonable grounds for this appeal, allows no penalty, and orders that costs be taxed under App.R. 24.

The court further orders that (1) a copy of this Judgment with a copy of the Opinion attached constitutes the mandate, and (2) the mandate be sent to the trial court for execution under App.R. 27.

To the clerk:

Enter upon the journal of the court on 8/28/2026.

Pursuant to App.R. 30, the clerk is directed to send all parties, or their counsel if represented, a copy of the court's judgment and note such action on the docket.

By: Jennifer Hensley
Administrative Judge

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Plaintiff-Appellee,	:	
vs.	:	
WILLIAM BOOKER,	:	*O P I N I O N*
Defendant-Appellant.	:	

Criminal Appeal From: Hamilton County Court of Common Pleas

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: August 28, 2026

Connie Pillich, Hamilton County Prosecuting Attorney, and *Paula E. Adams,* Assistant Prosecuting Attorney, for Plaintiff-Appellee,

Angela J. Glaser, for Defendant-Appellant.

BOCK, Judge.

{¶1} In two assignments of error, defendant-appellant William Booker challenges his aggravated-drug-trafficking conviction. First, he maintains that law enforcement's warrantless search of his bookbag, which was in an SUV parked on a public street, violated his Fourth Amendment rights. Second, he argues that the trial court's noncompliance with Crim.R. 11 rendered his no-contest plea involuntary and unknowing. Unconvinced, we overrule both assignments of error.

{¶2} First, the search was justified under the automobile exception to the warrant requirement. Officers had probable cause to search the bookbag in the SUV because the officers were aware of surveillance footage suggesting that a gunman discarded the bookbag while fleeing the scene of a shooting. Second, the trial court correctly advised Booker that he faced a mandatory prison sentence and was ineligible for community control because he admitted to having more than five times the bulk amount of methamphetamine in the vicinity of a school zone.

{¶3} We affirm Booker's conviction.

I. Factual and Procedural History

{¶4} The State charged Booker with aggravated trafficking of methamphetamine in violation of R.C. 2925.03(A)(2) and aggravated possession of methamphetamine in violation of R.C. 2925.11(A).

A. Suppression hearing

{¶5} Booker moved to suppress the methamphetamine and evidence recovered by officers in his bookbag as a violation of his Fourth Amendment rights and all statements he made during and after his arrest as a violation of his Fifth Amendment rights. At the suppression hearing, Booker abandoned his Fifth

Amendment claims and stipulated that he had the keys to, and therefore a possessory interest in, the SUV that was searched.

{¶6} The Cincinnati Police Department deploys surveillance technology to monitor Cincinnati's residents and visitors. Cincinnati Police Officer Benjamin Williamson testified that ShotSpotter detected the sound of gunshots at the intersection of Vine Street and Green Street, and then on Republic Street, in Cincinnati. To Williamson, the sound and speed of the gunshots suggested a firearm larger than a handgun. Williamson called the Cincinnati Police Department's Real-Time Crime Center ("Crime Center"), which sent Williamson video footage of a gunman with a bookbag firing a rifle "towards Vine Street." Williamson testified that the gunman had an accomplice, who was carrying a handgun and wearing a "camouflage jacket." The two fled and "ducked down behind a tan SUV that was parked" on a public street. He described that area as Cincinnati's "most violent . . . open-air drug market."

{¶7} The Crime Center told Williamson that one of the SUV's doors opened momentarily before the shooters disappeared down a nearby alleyway. According to Williamson, that alleyway is "where they go and ditch narcotics, guns, anything like that." Officers responding to the scene found a handgun and camouflage jacket in the alleyway, but they did not find a rifle. Williamson could not determine from the surveillance footage whether the gunman carried the bookbag into the alleyway.

{¶8} The Crime Center drew Williamson's attention to two men that resembled the gunman and his accomplice standing near the SUV. In bodycam footage, Williamson told other officers that the gunman and accomplice huddled near the trunk of the SUV. Williamson peered into the window of the SUV and spotted "two black bags" in the trunk and "a black bag in the front passenger seat." At the hearing,

Williamson speculated the gunman had tossed his bookbag into the SUV and that the bookbag "could have contained more firearms and . . . the rifle." Williamson did not suspect that Booker was the gunman or accomplice and began speaking with Booker about the bags in the SUV. Booker said the bookbag in the front passenger compartment was his and consented to a search before revoking that consent.

{¶9} Williamson testified that there were no canine units in the Cincinnati Police Department capable of detecting firearms. Yet, Williamson requested "a K-9 unit to do an open-air sniff of the vehicle to determine if there was contraband for a probable cause search." Williamson, determined to search the vehicle, testified that he wanted to "exhaust all [] resources" to search the SUV due to the "exigency of the situation," so he needed to secure the vehicle. Williamson estimated that obtaining a warrant would have taken two to three hours.

{¶10} Officer Knapp responded with his canine partner, Bravo, to "complete a free-air drug sniff" as part of the investigation into the missing rifle. After circling the SUV twice, Bravo alerted Officer Knapp to the odor of narcotics near the front passenger door. Officer Williamson testified that Bravo's alert gave him probable cause to search the SUV. While Williamson found a digital scale and individually packaged methamphetamine pills in the bookbag, he never found the rifle.

{¶11} The trial court denied Booker's motion to suppress and found the vehicle search did not violate the Fourth Amendment because law enforcement had probable cause to search the SUV before Bravo's dog sniff due to exigent circumstances. And Bravo's alert gave officers probable cause to search the bookbag "for anything really."

B. Booker pleaded no contest

{¶12} Booker withdrew his not-guilty pleas and pleaded no contest to the charges. The trial court accepted Booker's no-contest pleas, found him guilty, merged the possession count into the trafficking count, and imposed a five-to-seven-and-a-half-year sentence.

II. Analysis

{¶13} On appeal, Booker challenges the trial court's denial of his motion to suppress and the validity of his plea.

A. First Assignment of Error: The bag search was permissible under the Fourth Amendment's automobile exception

{¶14} Booker argues that the trial court erred by denying his motion to suppress because the officers' search of his bookbag violated his rights under the Fourth Amendment.

{¶15} An appeal of a trial court's decision denying or granting a motion to suppress raises a mixed question of law and fact. *See State v. Ward*, 2017-Ohio-8141, ¶ 12 (1st Dist.). We accept the trial court's finding of facts that are supported by competent and credible evidence. *Id.* But we independently review the application of those facts to the law. *Id.*

{¶16} The Fourth Amendment promises freedom from "unreasonable searches and seizures." U.S. Const., amend. IV. That freedom demands "that searches be conducted pursuant to a warrant issued by an independent judicial officer." *California v. Carney*, 471 U.S. 386, 390 (1985). Securing a warrant is "the rule, not the exception." *State v. Burroughs,* 2022-Ohio-2146, ¶ 13. A warrantless search is "'per se unreasonable'" unless the State shows that an established exception to the warrant

requirement justifies the warrantless search. *See Ward* at ¶ 13, quoting *State v. Bacher*, 2007-Ohio-727, ¶ 8 (1st Dist.).

{¶17} The automobile exception authorizes "a warrantless search of an entire vehicle if the officers have probable cause to believe that they will discover evidence of a crime." *In re L.S.*, 2016-Ohio-5582, ¶ 15 (1st Dist.); *see California v. Acevedo*, 500 U.S. 565, 580 (1991) ("The police may search an automobile and the containers within it where they have probable cause to believe contraband or evidence is contained."). The automobile exception is justified by the exigencies created by "the inherent mobility of automobiles" and the "public nature of automobile travel." *South Dakota v. Opperman*, 428 U.S. 364, 367 (1976). Probable cause exists for a warrantless search if a reasonable officer would believe, based on "'the totality of the circumstances known to the officer at the time of the search,'" that evidence of a crime will be found in a specific place. *Ward* at ¶ 20, quoting *State v. Grubbs*, 2017-Ohio-41, ¶ 33 (6th Dist.).

{¶18} When "officers have probable cause to search a lawfully stopped vehicle, they may conduct a warrantless search of any containers found inside that may conceal the object of the search." *United States v. Johns*, 469 U.S. 478, 479-480 (1985). So, if officers have "probable cause to search for contraband in a car, it is reasonable for police officers . . . to examine packages and containers without a showing of individualized probable cause for each one." *Wyoming v. Houghton*, 526 U.S. 295, 302 (1999).

{¶19} Booker argues[1] that the automobile exception does not apply because before Bravo's dog sniff, the officers lacked probable cause to believe there was

[1] Booker does not argue that the rifle could not have fit in the bookbag, a closer question.

evidence of a crime. We disagree. Williamson's testimony and video footage showed a gunman with a bookbag and his accomplice taking cover near the trunk of the SUV, opening a door, and then disappearing into a nearby alley without the rifle and bookbag. Based on the totality of the circumstances, there was probable cause to believe that the SUV, and one of the bags inside, held evidence related to a crime.

{¶20} In support of his claim, Booker relies on our opinion in *Ward*. There, an "officer saw a vehicle parked near a sidewalk [in an area of high-drug activity] with a person leaning into the vehicle, and as the officer approached, the person walked away from the car." *Ward*, 2017-Ohio-8141, at ¶ 26 (1st Dist.). We ruled that presence in a high-crime area combined with neutral or ambiguous acts does not create probable cause to believe that evidence of a crime exists. *Id.* at ¶ 19, 26. But *Ward* is distinguishable from this case because here, officers knew that a gunman carrying a bookbag had fired a rifle multiple times before taking cover near the SUV, where he potentially discarded his rifle and bookbag. Firing a rifle in an urban center and then fleeing are neither neutral nor ambiguous acts.

{¶21} Booker also argues that the Ohio Supreme Court's opinion in *Burroughs* demands the suppression of the methamphetamine. In *Burroughs*, the Court considered the constitutionality of a search of a "closed bookbag with part of a plastic baggie caught in the zipper" as officers executed an arrest warrant in a home. *Burroughs,* 2022-Ohio-2146, at ¶ 3-5. The State argued that the search was constitutional under "[t]he single-purpose-container exception . . . an offshoot of the plain-view doctrine." *Id.* at ¶ 15. The plain-view exception allows officers to seize an object in plain view if an officer is lawfully in a place with lawful access to an object in which its incriminating nature "is immediately apparent." *Horton v. California*, 496 U.S. 128, 136-137 (1990). The single-purpose-container exception allows officers to

search a container with a distinct "outward appearance" that "proclaims its contents." *Robbins v. California*, 453 U.S. 420, 427 (1981) (plurality opinion), *overruled on other grounds by United States v. Ross*, 456 U.S. 798, 824 (1982).

{¶22} The *Burroughs* Court held that the single-purpose-container exception did not justify the warrantless search of the bookbag. *See Burroughs* at ¶ 21. To fall within the single-purpose-container exception, "'a container must so clearly announce its contents, whether by its distinctive configuration, its transparency, or otherwise, that its contents are obvious to an observer.'" *Id.* at ¶ 19, quoting *Robbins* at 428. The Court reasoned that a bookbag is "commonly used to carry a wide variety of items" and does not inherently broadcast its contents. *Id.* at ¶ 20.

{¶23} Williamson agreed that the methamphetamine was found in an unremarkable and common black bookbag. But Williamson did not rely on the single-purpose-container exception or suggest that the bookbag announced the methamphetamine inside. And unlike the bookbag in *Burroughs,* the facts known to the officers investigating the gunman gave rise to an inference that the bags in the SUV were connected to a recent shooting.

{¶24} Booker also points out that the SUV was parked, a fact that he claims undermines the notion that the SUV's inherent mobility justified the automobile search. In this regard, the "'ready mobility' of vehicles served as the core justification for the automobile exception for many years." *Collins v. Virginia*, 584 U.S. 586, 591 (2018). And when that mobility or other "justifications for the automobile exception 'come into play,' officers may search an automobile without having obtained a warrant so long as they have probable cause to do so." *Id.* But the automobile exception applies to parked vehicles. *See State v. Underwood*, 2004-Ohio-504, ¶ 19 (12th Dist.). Indeed, justifications for the automobile exception apply regardless of whether "the car has

been immobilized," whether "the car would have been driven away," or whether "its contents would have been tampered with" while officers secured a warrant. *Michigan v. Thomas*, 458 U.S. 259, 261 (1982).

{¶25} Finally, Booker appears to argue that the dog sniff was unconstitutional since Bravo was not trained to detect firearms and nothing suggested that the SUV contained narcotics. But we hold that the dog sniff did not violate Booker's Fourth Amendment rights because a free-air dog sniff around a car parked on a public road is not a search under the Fourth Amendment. *See Illinois v. Caballes*, 543 U.S. 405, 409 (2005); *see also State v. Bryner*, 2018-Ohio-3215, ¶ 15 (9th Dist.). Dog sniffs "reveal[] no information other than the location of a substance that no individual has any right to possess" and "do[] not expose noncontraband items that otherwise would remain hidden from public view." *Caballes* at 409-410.

{¶26} In sum, the officers' search of the bookbag was constitutional under the automobile exception because the officers had probable cause to suspect that the bookbag held evidence in connection with a criminal offense. We overrule Booker's first assignment of error.

B. Second Assignment of Error: The trial court's plea colloquy complied with Crim.R. 11

{¶27} Booker maintains that the trial court failed to accurately advise him of the maximum penalties that he faced during the plea colloquy as required by Crim.R. 11(C). He contends that the trial court's alleged misstatement regarding the mandatory nature of his sentence rendered his no-contest plea unknowing and unintelligent.

{¶28} When a criminal defendant pleads guilty or no-contest to a felony offense, before accepting the plea, a trial court must advise the defendant of constitutional and nonconstitutional rights as instructed by Crim.R. 11. *See State v.*

Walker, 2024-Ohio-6079, ¶ 22 (1st Dist.). Nonconstitutional requirements found in Crim.R. 11(C)(2)(a) and (b) "require the trial court to provide information and make determinations that help to ensure the defendant's decision to plead is knowing, intelligent, and voluntary in a more general sense." *Id.* at ¶ 23.

{¶29} Under Crim.R. 11(C)(2)(a), a trial court hearing a no-contest plea to a felony offense must advise the defendant of "the maximum penalty involved, and if applicable, that the defendant is not eligible for probation or for the imposition of community control sanctions at the sentencing hearing."

{¶30} Relevant here, the trial court discussed the penalties that Booker faced for each offense, reviewed Ohio's indefinite-sentencing scheme, and confirmed that Booker understood that he faced a mandatory prison sentence and was ineligible "for probation." Booker maintains that he was not subject to a mandatory prison sentence and that this misstatement violated Crim.R. 11.

{¶31} But the trial court got it right. Booker was charged with aggravated drug trafficking in violation of R.C. 2925.03(A)(2), a first-degree felony. Aggravated drug trafficking is a first-degree felony and carries a mandatory prison sentence if (1) "the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount" and (2) "the offense was committed in the vicinity of a school." R.C. 2925.03(C)(1)(d). Methamphetamine is a schedule II-controlled substance. *See* Adm.Code 4729:9-1-02(C)(2). The "bulk amount" for methamphetamine is three grams. *See* R.C. 2925.01(D)(1)(g). The "vicinity of a school" is "within one thousand feet of the boundaries of any school premises." R.C. 2925.01(P). So, a prison sentence was mandatory so long as Booker pleaded no contest to an offense involving more than 15 grams of methamphetamine that occurred within 1,000 feet of a school.

{¶32} At the hearing, the State explained that officers found 16.261 grams of methamphetamine in the bookbag, which was located 550 feet away from a school. Because Booker had more than five times the bulk amount of methamphetamine in the vicinity of a school, a prison sentence was mandatory under R.C. 2925.03(C)(1)(d). Therefore, the trial court's advisement complied with Crim.R. 11(C)(1)(a). We overrule the second assignment of error.

III. Conclusion

{¶33} We overrule Booker's two assignments of error and affirm the trial court's judgment.

Judgment affirmed.

KINSLEY, P.J., and **NESTOR, J.,** concur.