

COURT OF APPEALS OF OHIO, SECOND APPELLATE DISTRICT,
MONTGOMERY COUNTY

State v. Simon

2025-Ohio-5660 · No. 30443 · Decided December 19, 2025

SUMMARY

The Ohio Second District Court of Appeals affirmed Justin Q. Simon’s convictions for aggravated possession of drugs. The court held that the traffic stop was supported by reasonable suspicion of an illegal window-tint violation, that the canine sniff did not unlawfully prolong the stop, and that the search was supported by probable cause following the canine alert. The court also rejected Simon’s challenge to the sufficiency of the evidence proving knowing possession.

CASE DETAILS

COURT	Court of Appeals of Ohio, Second Appellate District, Montgomery County
WRITING FOR THE COURT	Ronald C. Lewis; Tucker, J.; Hanseman, J.
JURISDICTION	Ohio Court of Appeals, Second Appellate District, Montgomery County
DECIDED	December 19, 2025
DOCKET	30443
DISPOSITION	affirmed
PROCEDURAL POSTURE	Simon appealed from convictions for aggravated possession of drugs entered after a jury trial, challenging the denial of his motion to suppress and the sufficiency of the evidence supporting his convictions.
STANDARD OF REVIEW	Suppression rulings present a mixed question of law and fact: factual findings supported by competent, credible evidence are accepted, while application of law to those facts is reviewed de novo. Sufficiency of the evidence is a question of law reviewed de novo, viewing the evidence in the light most favorable to the prosecution.
PRECEDENTIAL VALUE	Published Ohio Court of Appeals opinion
PARTIES	Justin Q. Simon v. State of Ohio

TOPICS

suppression of evidence

fourth amendment

search and seizure

probable cause

criminal procedure

PRACTICE AREAS

Criminal law

Criminal procedure

Fourth Amendment

Evidence

Appellate law

QUESTIONS PRESENTED

1. Whether the traffic stop was supported by reasonable, articulable suspicion under the collective knowledge doctrine and the officers' personal observation of excessively dark window tint.
2. Whether the officers unlawfully prolonged the traffic stop to conduct a canine free-air sniff in violation of the Fourth Amendment.
3. Whether the evidence was legally sufficient to prove that Simon knowingly possessed the controlled substances found in the vehicle.

HOLDINGS

1. The traffic stop was lawful because the officers had reasonable, articulable suspicion of a window-tint violation. The initiating officer could rely on information relayed by another officer under the collective knowledge doctrine, and the stopping officer independently observed and measured the excessive tint.
2. The stop was not unlawfully prolonged. The officers diligently investigated the traffic violations and were still processing the citation and driving-privilege questions when the canine alerted, so the canine sniff occurred during a lawful detention rather than through an unconstitutional extension.
3. The evidence was sufficient for a rational factfinder to conclude beyond a reasonable doubt that Simon knowingly possessed the drugs, including through constructive possession.

KEY QUOTATIONS

“A traffic stop is not unconstitutionally prolonged when permissible background checks have been diligently undertaken and not yet completed at the time a drug dog alerts.” (¶ 30)

“In viewing the evidence in the light most favorable to the State, a rational factfinder could have reasonably concluded that Simon was in constructive possession of the drugs.” (¶ 69)

FACTUAL BACKGROUND

Police stopped Simon while he was driving a green BMW after an officer relayed information about excessively dark window tint and another officer personally observed the tint violation. Simon had a suspended license, although he produced paperwork reflecting limited driving privileges. While officers were processing the traffic citation and checking his driving status, a trained drug-detection canine arrived and alerted to the vehicle. Officers then found a locked backpack accessible in the passenger compartment containing large quantities of controlled substances, drug-packaging materials, gloves, and a scale. Simon, the vehicle's sole occupant, denied knowledge of the backpack but responded, when told he would be charged with fentanyl possession, that the substance was not fentanyl.

PROCEDURAL HISTORY

A Montgomery County grand jury indicted Simon on six drug-possession counts arising from a traffic stop. The common pleas court denied his motion to suppress and motion to reconsider; following a jury trial, Simon was convicted as charged. The trial court merged two counts and imposed concurrent prison and jail sentences. Simon timely appealed, and the Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- State v. Codeluppi, 2014-Ohio-1574, ¶ 7
- State v. Burnside, 2003-Ohio-5372, ¶ 8
- State v. Mills, 62 Ohio St.3d 357, 366 (1992)
- State v. Fanning, 1 Ohio St.3d 19 (1982)
- State v. Koon, 2015-Ohio-1326, ¶ 13 (2d Dist.)
- State v. Shepherd, 2021-Ohio-4230, ¶ 10 (2d Dist.)
- State v. Emerson, 2012-Ohio-5047, ¶ 15
- Florida v. Jimeno, 500 U.S. 248, 250 (1991)
- Katz v. United States, 389 U.S. 347, 360 (1967)
- Whren v. United States, 517 U.S. 806, 809-810 (1996)
- State v. Chase, 2013-Ohio-2347, ¶ 17 (2d Dist.)
- State v. Freeman, 64 Ohio St.2d 291 (1980)
- State v. Andrews, 57 Ohio St.3d 86, 87-88 (1991)
- State v. Jones, 2011-Ohio-1984, ¶ 20 (2d Dist.)
- State v. Freeman, 2015-Ohio-2501, ¶ 16 (9th Dist.)
- State v. Ojezua, 2016-Ohio-2659, ¶ 32 (2d Dist.)
- State v. Davenport, 2017-Ohio-688, ¶ 18 (2d Dist.)
- State v. Muldrow, 2016-Ohio-4774, ¶ 21 (10th Dist.)
- State v. Adams, 2017-Ohio-7186, ¶ 25 (10th Dist.)
- State v. Dunlap, 2024-Ohio-4821, ¶ 2
- State v. Ramos, 2003-Ohio-6535, ¶ 10 (2d Dist.)
- State v. Chatton, 11 Ohio St.3d 59 (1984)
- State v. Thomas, 2009-Ohio-3520, ¶¶ 14-15 (2d Dist.)
- State v. Kuralt, 2005-Ohio-4529, ¶ 11 (2d Dist.)
- State v. Wilkins, 2004-Ohio-3917, ¶ 12 (2d Dist.)
- State v. Hall, 2017-Ohio-2682, ¶ 13
- State v. Vega, 2018-Ohio-4002, ¶ 17

- State v. Hunter, 2011-Ohio-6524, ¶ 118
- State v. Thompson, 78 Ohio St.3d 380, 386 (1997)
- State v. Groce, 2020-Ohio-6671, ¶ 7
- State v. Jenks, 61 Ohio St.3d 259 (1991)
- State v. Goff, 82 Ohio St.3d 123, 139 (1998)
- State v. DeHass, 10 Ohio St.2d 230 (1968)
- State v. Teamer, 82 Ohio St.3d 490, 492 (1998)
- State v. Mabry, 2007-Ohio-1895, ¶ 18 (2d Dist.)
- State v. Butler, 42 Ohio St.3d 174 (1989)
- State v. Ramos, 2019-Ohio-3588, ¶ 44 (2d Dist.)
- State v. Nicely, 39 Ohio St.3d 147, 150 (1988)
- State v. Battle, 2007-Ohio-2977, ¶ 20 (2d Dist.)
- State v. Carter, 72 Ohio St.3d 545, 554 (1995)
- State v. Rastbichler, 2014-Ohio-628, ¶ 33 (2d Dist.)

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