

IN THE SUPREME COURT OF THE UNITED STATES

No. _____

26-5010

ORIGINAL

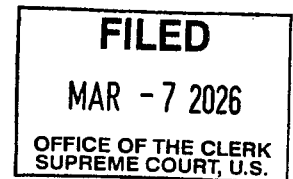
MICHAEL WAYNE ANDREWS,

Petitioner,

v.

DAVE YOST, ATTORNEY GENERAL OF OHIO,

Respondent.



On Petition for a Writ of Certiorari to the Court of Appeals of Ohio

Fourth Appellate District

PETITION FOR WRIT OF CERTIORARI

Michael Wayne Andrews
459 Eldridge Avenue
Columbus, Ohio 43203
Mikeandrews564@gmail.com
(614) 260-0173

Petitioner Pro Se

QUESTIONS PRESENTED

I. Whether the Fourth Amendment's plain view doctrine permits a warrantless search of a rental vehicle with expired registration based on an officer's subjective claim that white powder has a "bluish tint" indicating cocaine, when the alleged tint is not visible on body camera footage, the officer admits he has conducted no scientific testing to verify his identification method, and the rental vehicle context means the substance could have been left by any previous renter.

II. Whether probable cause exists under the automobile exception to the Fourth Amendment's warrant requirement when based on the combination of: (1) a rental vehicle with expired vehicle registration justifying the initial stop; (2) travel on a highway characterized as a drug corridor; (3) a multi-day trip without visible luggage; (4) alleged white powder with a subjective "bluish tint" not clearly visible on video; and (5) a faulty field test conducted with a kit that the officer admittedly destroyed at his post following the traffic stop, eliminating the possibility of independent verification of the test's reliability or results and violating the defendant's due process right to examine and challenge the evidence.

LIST OF PARTIES

Petitioner: Michael Wayne Andrews, Pro Se

Respondent: Dave Yost, Attorney General of Ohio, representing the State of Ohio.

RELATED CASES

State v. Andrews, No. 24CA4076, Court of Appeals of Ohio, Fourth Appellate District, Scioto County. Judgment entered August 1, 2025.

State v. Andrews, No. 2025-1161, Supreme Court of Ohio. Reconsideration entry and motion to stay sentencing denied on January 20, 2026.

TABLE OF CONTENTS

Opinions Below	1
Jurisdiction	1
Constitutional and Statutory Provisions Involved	2
Statement of the Case	2
Reasons for Granting the Writ	8
Conclusion	19
Appendix	20

Appendix A – Court of Appeals of Ohio, Fourth Appellate District, Scioto County, Decision and Judgment Entry in State v. Andrews, 2025-Ohio-2803, Case No. 24CA4076, August 1, 2025

Appendix B – Scioto County Court of Common Pleas Judgment Entry, Case No. 23CR002B

Appendix C – Recognizance of Accused (Appeal Bond), Case No. 23CR002B

Appendix D – Supreme Court of Ohio Entry Declining Jurisdiction, State v. Andrews, No. 2025-1161

Appendix E – Supreme Court of Ohio Entry Denying Reconsideration, State v. Andrews, No. 2025-1161

TABLE OF AUTHORITIES

United States Supreme Court Cases

Arizona v. Hicks, 480 U.S. 321 (1987)	8
Arizona v. Youngblood, 488 U.S. 51 (1988)	1, 2, 8-18
Bullcoming v. New Mexico, 564 U.S. 647 (2011)	2, 8-18
Byrd v. United States, 138 S. Ct. 1518 (2018)	2-18
California v. Trombetta, 467 U.S. 479 (1984)	1, 2, 8-18
Chambers v. Maroney, 399 U.S. 42 (1970)	8, 10, 12-18

Daubert v. Merrell Dow Pharms., Inc., 509 U.S. 579 (1993)	8-18
Horton v. California, 496 U.S. 128 (1990)	8, 10, 12, 13, 15-18
Illinois v. Andreas, 463 U.S. 765 (1983)	16
Illinois v. Gates, 462 U.S. 213 (1983)	8, 10-18
Katz v. United States, 389 U.S. 347 (1967)	8, 10-12
Maryland v. Wilson, 519 U.S. 408 (1997)	2, 14
Melendez-Diaz v. Massachusetts, 557 U.S. 305 (2009)	2, 8-18
Minnesota v. Dickerson, 508 U.S. 366 (1993)	8, 16
Ornelas v. United States, 517 U.S. 690 (1996)	8, 18
Pennsylvania v. Mimms, 434 U.S. 106 (1977)	2, 14
Reid v. Georgia, 448 U.S. 438 (1980)	10-13, 18
Rodriguez v. United States, 575 U.S. 348 (2015)	10
Saenz v. Roe, 526 U.S. 489 (1999)	12
Scott v. Harris, 550 U.S. 372 (2007)	2, 4, 8, 9, 16
Terry v. Ohio, 392 U.S. 1 (1968)	10
Texas v. Brown, 460 U.S. 730 (1983)	8, 10-18
United States v. Arvizu, 534 U.S. 266 (2002)	10

United States v. Cortez, 449 U.S. 411 (1981)	10-13, 18
United States v. Guest, 383 U.S. 745 (1966)	12, 13, 18
United States v. Sokolow, 490 U.S. 1 (1989)	10-13, 18
Whren v. United States, 517 U.S. 806 (1996)	2, 10, 13, 14
Ybarra v. Illinois, 444 U.S. 85 (1979)	11-13

Ohio Supreme Court Cases

Dayton v. Erickson, 76 Ohio St.3d 3 (1996)	10, 13, 14
State v. Buzzard, 2007-Ohio-373	15-18
State v. Halczynszak, 25 Ohio St.3d 301 (1986)	8, 10, 12, 16-18
State v. Waddy, 63 Ohio St.3d 424 (1992)	17

Ohio Court of Appeals Cases

State v. Andrews, 2025-Ohio-2803 (4th Dist. Aug. 1, 2025)	1-28
State v. Ballein, 2025-Ohio-1240 (4th Dist.)	16
State v. Gregory, 2023-Ohio-331 (6th Dist.)	17
State v. Hakim, 2018-Ohio-969 (8th Dist.)	17
State v. Harris, 98 Ohio App.3d 543 (8th Dist. 1994)	17
State v. Hobbs, 2018-Ohio-4059 (4th Dist.)	16, 17

State v. Jackson, 2021-Ohio-517 (1st Dist.) 16, 17

State v. Johnson, 2013-Ohio-575 (8th Dist.) 17

State v. Little, 2000 WL 1514242 (8th Dist. Oct. 12, 2000) 17

State v. West, 1988 WL 126715 (9th Dist. Nov. 23, 1988) 17

State v. White, 2002-Ohio-262 (2d Dist.) 17

Constitutional Provisions

U.S. Const. amend. IV 2, 8-18

U.S. Const. amend. XIV 1, 2, 8-18

Ohio Const. art. I, § 14 2, 15, 16

Statutes

28 U.S.C. § 1257(a) 1

Ohio Rev. Code § 2925.03 3

Ohio Rev. Code § 2925.11 3

Ohio Rev. Code § 2923.24 3

OPINIONS BELOW

The opinion of the Ohio Court of Appeals, Fourth Appellate District, is reported as *State v. Andrews*, 2025-Ohio-2803 (journalized August 1, 2025). The trial court's decision denying Petitioner's motion to suppress is unreported.

The Supreme Court of Ohio declined to accept jurisdiction for discretionary review.

JURISDICTION

Petitioner's due process rights under the Fourteenth Amendment were violated when Trooper Lewis destroyed the field test kit at his post following the traffic stop, depriving Petitioner of the ability to examine and challenge this critical evidence at trial. *Arizona v. Youngblood*, 488 U.S. 51, 58 (1988) (due process violated when state destroys evidence that might exonerate defendant, particularly when destruction is in bad faith); *California v. Trombetta*, 467 U.S. 479, 488-489 (1984) (due process requires preservation of evidence that possesses exculpatory value apparent before its destruction).

This Court has jurisdiction under 28 U.S.C. § 1257(a). The Ohio Court of Appeals issued its decision on August 1, 2025. Petitioner timely filed a Memorandum in Support of Jurisdiction with the Supreme Court of Ohio within 45 days. The Supreme Court of Ohio declined discretionary review, making the Court of Appeals decision final. This petition is timely filed within 90 days of the denial of discretionary review.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourth Amendment to the United States Constitution:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Fourteenth Amendment to the United States Constitution (Due Process Clause):

"No State shall... deprive any person of life, liberty, or property, without due process of law..."

STATEMENT OF THE CASE

A. Nature of the Case

This case presents important Fourth Amendment questions regarding the plain view doctrine and probable cause standards during traffic stops. Petitioner Michael Wayne Andrews challenges his drug trafficking convictions, which resulted from evidence seized during a warrantless vehicle search. The search was justified by state courts based on an officer's claim that he observed white powder with a subjective "bluish tint" that he believed indicated cocaine—a claim not supported by body camera footage, scientific testing, or departmental policy.

B. Facts

On November 23, 2022, at approximately 12:40 a.m., Ohio State Highway Patrol Trooper Nicholas Lewis initiated a traffic stop of a rental vehicle in which Petitioner was a passenger. *Byrd v. United States*, 138 S. Ct. 1518, 1524 (2018) (rental vehicle drivers retain full Fourth Amendment protections). The stated basis for the stop was expired Minnesota registration.

Trooper Lewis asked driver Andrea Anderson to exit the vehicle to verify her license and show her the expired registration. As Anderson exited, Lewis shone his flashlight into the vehicle and later claimed to observe white powder "in between the seat and the driver's door" with a "bluish tint." The rental vehicle context is critical: numerous previous renters could have left innocent white powder substances, making the officer's claim of immediate recognition even more dubious. *Byrd*, 138 S. Ct. at 1531 (rental car context relevant to Fourth Amendment analysis).

Lewis testified: "When I see cocaine residue at night and shine my light on it, it always appears to have a bluish tint to it. I don't know if it's the chemicals they use to cut it with, um but when I shine my light on it, it usually has a bluish tint to it. Um, so at this point I believed it was cocaine residue."

During the stop, Lewis questioned both Anderson and Petitioner about their travel plans. They stated they were traveling to Huntington, West Virginia to see Petitioner's daughter and planned to stay through Thanksgiving. When Lewis asked about luggage, they responded they had none. Lewis found this suspicious given the multi-day trip.

Lewis ordered Petitioner out of the vehicle and secured both occupants in his patrol cruiser. Lewis then returned to the rental vehicle, swabbed the white powder using a

faulty field test kit, which allegedly tested positive for cocaine. *Melendez-Diaz v. Massachusetts*, 557 U.S. 305, 318-319 (2009) (forensic evidence must be subject to confrontation and cross-examination). Critically, Trooper Lewis destroyed the field test kit at his post following the traffic stop, eliminating any possibility of independent verification of the test's reliability, the test's results, or whether the kit was within its expiration date or had been properly stored. *California v. Trombetta*, 467 U.S. 479, 488-489 (1984) (due process requires preservation of evidence with apparent exculpatory value); *Arizona v. Youngblood*, 488 U.S. 51, 58 (1988) (destruction of potentially exculpatory evidence violates due process). Lewis then searched the vehicle, discovering 80 grams of suspected fentanyl, 211 oxymorphone pills, and cutting substances.

C. Procedural History

Petitioner filed a motion to suppress the evidence. The trial court denied the motion after a suppression hearing, concluding that the initial stop was proper, the white powder constituted admissible plain view evidence based on Trooper Lewis's experience, and the search was justified under the automobile exception.

Following denial of the suppression motion, Petitioner entered a no contest plea and was sentenced to an 11-year mandatory minimum to 16-year maximum term.

The Ohio Court of Appeals, Fourth Appellate District, affirmed on August 1, 2025. *State v. Andrews*, 2025-Ohio-2803. The court held:

- The initial traffic stop was proper based on expired registration.
- The white powder with alleged bluish tint constituted admissible plain view evidence.

- Trooper Lewis had probable cause based on his 18 years of experience and approximately one thousand drug arrests to believe the powder was cocaine.
- Under the automobile exception, the warrantless search was constitutional.

The Supreme Court of Ohio declined discretionary review.

D. Rental Vehicle Context and Trooper Lewis's Testimony Regarding the "Bluish Tint"

The rental vehicle context is crucial to evaluating the "immediately apparent" requirement. *Byrd v. United States*, 138 S. Ct. 1518, 1531 (2018) (rental car context relevant to reasonable expectation of privacy analysis). Unlike a personally owned vehicle where the owner controls all contents, a rental vehicle has been used by numerous previous renters, any of whom could have left white powder residue from innocent sources: powdered sugar, baby powder, cosmetic powder, baking soda, or other common substances. The officer's claim that he could immediately identify cocaine in a rental vehicle—where attribution to the current occupants is inherently uncertain—makes the "immediately apparent" standard even more critical.

Critical to this case is the foundation for the plain view observation. During cross-examination, the following exchange occurred:

Q: So, this isn't State Patrol policy or you haven't done research about what could possibly—

A: I think it has to do with something—the chemicals they use to cut it with, but I am not sure? I just—like I said I base it on 18 years of doing drug interdiction, it always appears

to have a bluish tint to me. That's how I differentiate between just like I said powder off a powder donut and cocaine residue.

Q: But you've not conducted any kind of tests to verify that this is a fact—

A: No sir, just 18 years of experience and probably a thousand drug arrests.

Trooper Lewis also acknowledged that when he tests white powder with a bluish tint, "it usually comes back as cocaine residue. I couldn't give you an exact number but vast majority of it if it has a bluish tint to it, it usually comes back as cocaine residue."

This admission demonstrates that not all white powder with an alleged bluish tint is contraband—some is not cocaine at all.

E. Body Camera Evidence

The body camera video footage played for the trial court does not clearly show white powder with a bluish tint on the rocker panel. *Scott v. Harris*, 550 U.S. 372, 380-381 (2007) (video evidence should be considered when it clearly contradicts witness testimony). Trooper Lewis did not point out the powder to Anderson or Petitioner at the scene, did not photograph it in its original location before disturbing it, and did not allow Petitioner to observe it before conducting the swab test. The lack of documentation is particularly problematic given the rental vehicle context, where the substance could have been left by any previous renter. *Byrd v. United States*, 138 S. Ct. 1518 (2018).

F. Destruction of Faulty Field Test Kit and Due Process Violation

After conducting the faulty field test that allegedly showed positive results for cocaine, Trooper Lewis destroyed the field test kit at his post. *California v. Trombetta*, 467 U.S.

479, 488-489 (1984) (due process requires state to preserve evidence that "might be expected to play a significant role in the suspect's defense"); *Arizona v. Youngblood*, 488 U.S. 51, 58 (1988) (destruction of potentially exculpatory evidence violates due process, particularly when in bad faith). This destruction eliminated any opportunity for the defense to:

- Verify the test kit was within its expiration date
- Confirm the test kit had been properly stored according to manufacturer specifications
- Examine whether the test was conducted according to proper procedures
- Independently verify the test results
- Test for potential cross-reactivity with innocent substances that can produce false positives
- Challenge the reliability of the test under *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009)

The destruction of the field test kit is particularly significant given that field test kits are known to produce false positives and have been the subject of widespread criticism in forensic science literature. *Melendez-Diaz*, 557 U.S. at 318-319 (forensic evidence must be subject to confrontation). Field test kits have been documented to react to dozens of innocent substances, including drywall, chocolate, soap, and vitamins, producing false positive results. The destruction denied Petitioner the right to cross-examine the reliability of this evidence, violating both the Confrontation Clause and due process. *Bullcoming v.*

New Mexico, 564 U.S. 647, 657-658 (2011) (defendant entitled to confront forensic evidence).

The rental vehicle context makes this destruction even more egregious. *Byrd v. United States*, 138 S. Ct. 1518 (2018). Any white powder in a rental vehicle could have been left by previous renters. Without the preserved test kit, there is no way to verify whether the test truly indicated cocaine or cross-reacted with an innocent substance left by a previous renter—innocent residue for which Petitioner bears no responsibility.

REASONS FOR GRANTING THE WRIT

I. THE DECISION BELOW CONFLICTS WITH THIS COURT'S PLAIN VIEW DOCTRINE PRECEDENTS

The Fourth Amendment's plain view doctrine permits warrantless seizure of evidence only when three requirements are met: (1) the officer did not violate the Fourth Amendment in arriving at the place from which the evidence could be viewed, (2) the object's incriminating nature is "immediately apparent," and (3) the officer has lawful access to the object. *Horton v. California*, 496 U.S. 128, 136-137 (1990).

The "immediately apparent" requirement is satisfied when police possess probable cause to associate an object with criminal activity. *Texas v. Brown*, 460 U.S. 730, 741-742 (1983); *State v. Halczynszak*, 25 Ohio St.3d 301, 307 (1986). Probable cause requires more than mere suspicion or a hunch, even when informed by experience.

A. The Alleged "Bluish Tint" Does Not Establish Probable Cause, Particularly in a Rental Vehicle Context

The decision below permits searches based on an officer's purely subjective claim that white powder has a "bluish tint" indicating cocaine, even when:

1. The vehicle is a rental, meaning the substance could have been left by any previous renter. *Byrd v. United States*, 138 S. Ct. 1518, 1531 (2018) (rental vehicle context relevant to Fourth Amendment analysis)
2. The alleged tint is not visible on body camera footage. *Scott v. Harris*, 550 U.S. 372, 380-381 (2007)
3. The officer admits he has conducted no scientific testing to verify this identification method. *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 592-593 (1993) (scientific testimony must be reliable and based on scientific method)
4. The officer admits "I couldn't give you an exact number but vast majority of it if it has a bluish tint to it, it usually comes back as cocaine residue"—meaning some does not
5. The alleged tint is not based on departmental policy or training
6. The officer's explanation is speculative: "I think it has to do with something—the chemicals they use to cut it with, but I am not sure?"

This approach effectively eliminates the "immediately apparent" requirement. If an officer need only claim subjective recognition based on personal experience—without objective

verification, without visibility on video, and without scientific foundation—then the plain view doctrine provides no meaningful constraint on searches.

B. The Officer's Need to Conduct a Field Test Demonstrates the Incriminating Nature Was Not Immediately Apparent

Trooper Lewis felt compelled to conduct a faulty field test to confirm the substance was cocaine. This demonstrates the incriminating nature was not "immediately apparent" as required by the plain view doctrine. *Arizona v. Hicks*, 480 U.S. 321, 326-327 (1987) (holding that moving equipment to reveal serial numbers constituted additional investigation exceeding plain view doctrine); *Minnesota v. Dickerson*, 508 U.S. 366, 375 (1993) (officer's manipulation of object to determine criminality exceeded plain view's "immediately apparent" requirement).

White powder in a rental vehicle—where previous renters may have left any variety of substances—could be any number of innocent materials: food residue, cosmetic powder, cleaning product residue, baby powder, baking soda, powdered sugar, or other non-contraband substances. *Byrd v. United States*, 138 S. Ct. 1518 (2018) (rental vehicle context relevant to Fourth Amendment protections). The rental context makes attribution to the current occupants particularly speculative. Without objective indicia of criminality immediately apparent to observation, the Fourth Amendment requires a warrant or an established exception. *Katz v. United States*, 389 U.S. 347, 357 (1967).

The decision below conflates "reasonable suspicion" (sufficient for investigative detention under *Terry v. Ohio*, 392 U.S. 1 (1968)) with "probable cause" (required for search under the automobile exception, *Chambers v. Maroney*, 399 U.S. 42 (1970)). The officer's

subjective belief based on experience may create reasonable suspicion justifying further investigation, but it does not establish probable cause to search without a warrant. *United States v. Arvizu*, 534 U.S. 266, 273-274 (2002).

C. Destruction of the Faulty Field Test Kit Eliminated Independent Verification and Violated Due Process

Even if the faulty field test could have provided probable cause—which it cannot under the plain view doctrine's "immediately apparent" requirement—Trooper Lewis's destruction of the test kit eliminated any meaningful review of its reliability and violated Petitioner's due process rights. *California v. Trombetta*, 467 U.S. 479, 488-489 (1984) (due process requires preservation of evidence that possesses exculpatory value apparent before destruction); *Arizona v. Youngblood*, 488 U.S. 51, 58 (1988) (destruction of potentially exculpatory evidence violates due process). Field test kits are notoriously unreliable and prone to false positives, reacting to dozens of common, legal substances including chocolate, soap, vitamins, and drywall.

This Court has repeatedly emphasized the need for independent verification of forensic evidence. *Melendez-Diaz v. Massachusetts*, 557 U.S. 305, 319 (2009) (forensic analysts must be subject to confrontation); *Bullcoming v. New Mexico*, 564 U.S. 647, 657-658 (2011) (same); *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) (scientific evidence must be reliable and subject to challenge). By destroying the field test kit, the officer eliminated the defense's ability to challenge the test's reliability, verify proper procedures were followed, confirm the kit was not expired, or test for false positive reactions—violating both the Confrontation Clause and due process.

The rental vehicle context makes this destruction even more problematic. *Byrd v. United States*, 138 S. Ct. 1518, 1531 (2018). Rental vehicles are used by numerous individuals, any of whom could have left innocent white powder residue. Without the preserved test kit, there is no way to verify whether the test truly indicated cocaine or cross-reacted with an innocent substance left by a previous renter—innocent residue for which Petitioner cannot be held responsible.

D. Accepting Subjective Officer Claims Without Objective Corroboration

Eviscerates Fourth Amendment Protections

The decision below creates a troubling precedent: any officer can claim specialized ability to identify contraband based on subjective characteristics not visible to others, not documented on video, and not verified by testing or policy. This approach:

- Permits searches based on little more than officer intuition. *Illinois v. Gates*, 462 U.S. 213, 238-239 (1983) (probable cause requires "fair probability" based on objective facts)
- Makes Fourth Amendment protections dependent on each officer's claimed expertise rather than objective standards. *Ornelas v. United States*, 517 U.S. 690, 696-697 (1996) (probable cause must be evaluated de novo by courts)
- Eliminates meaningful appellate review—courts cannot evaluate whether alleged characteristics actually existed if not documented. *Scott v. Harris*, 550 U.S. 372, 380-381 (2007)
- Invites pretextual searches where officers claim to observe subjective indicators

- Disproportionately impacts rental vehicle drivers, creating a two-tier system of Fourth Amendment protection. *Byrd v. United States*, 138 S. Ct. 1518, 1531 (2018)

This Court has emphasized that probable cause must be evaluated by objective standards, not subjective officer beliefs. *United States v. Cortez*, 449 U.S. 411, 417-418 (1981); *Ornelas*, 517 U.S. at 696-697. The decision below abandons this principle.

II. THE DECISION BELOW PERMITS WARRANTLESS SEARCHES BASED ON FACTORS CONSISTENT WITH INNOCENT BEHAVIOR

The automobile exception permits warrantless searches when officers have probable cause to believe a vehicle contains evidence of illegal activity. *Chambers v. Maroney*, 399 U.S. 42, 51 (1970). Probable cause requires "a fair probability that contraband or evidence of a crime will be found in a particular place." *Illinois v. Gates*, 462 U.S. 213, 238 (1983).

The state courts justified the search based on a combination of factors, each of which is consistent with lawful, innocent behavior:

1. **Rental vehicle with expired registration:** While expired registration justifies the initial stop under *Whren v. United States*, 517 U.S. 806, 810 (1996), it does not create probable cause to search. Rental vehicles are legitimately used by millions of Americans daily. *Byrd v. United States*, 138 S. Ct. 1518, 1524 (2018) (rental vehicle drivers entitled to full Fourth Amendment protections). Moreover, registration maintenance is the rental company's responsibility—drivers have no control over whether the company updates tags. Punishing drivers for rental company negligence contradicts Fourth Amendment principles requiring

particularized suspicion tied to the individual. *United States v. Cortez*, 449 U.S. 411, 417-418 (1981); *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979) (Fourth Amendment requires particularized suspicion).

2. **Out-of-state plates:** Interstate travel is constitutionally protected under the Privileges and Immunities Clause and commonplace. *Saenz v. Roe*, 526 U.S. 489, 501 (1999); *United States v. Guest*, 383 U.S. 745, 757-758 (1966) (right to interstate travel is fundamental). Out-of-state plates on a rental vehicle cannot contribute to probable cause without eliminating Fourth Amendment protections for millions of interstate travelers. *Byrd*, 138 S. Ct. at 1524.
3. **Travel on U.S. Route 23:** This is a major public highway. Countless law-abiding citizens travel this route daily. Characterizing it as a "drug corridor" does not create probable cause for searching every vehicle. *United States v. Sokolow*, 490 U.S. 1, 10-11 (1989) (mere presence in high-crime area insufficient for reasonable suspicion); *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979) (suspicion must be particularized to individual).
4. **Multi-day trip without visible luggage:** Many travelers make short trips without luggage. Luggage may be in the trunk (not visible to the officer), may consist of small bags, or travelers may plan to stay with family who will provide necessities. Absence of visible luggage is at most a factor for brief questioning, not probable cause to search. *United States v. Sokolow*, 490 U.S. 1, 9-10 (1989) (innocent factors cannot collectively create reasonable suspicion).
5. **Alleged white powder with subjective "bluish tint" not clearly visible on video:** As discussed above, this does not establish probable cause under the plain

view doctrine's "immediately apparent" requirement. *Horton v. California*, 496 U.S. 128, 136-137 (1990); *Texas v. Brown*, 460 U.S. 730, 741-742 (1983). The rental vehicle context makes this even more problematic. *Byrd v. United States*, 138 S. Ct. 1518 (2018).

6. **Faulty field test with destroyed kit:** The officer destroyed the faulty field test kit, eliminating independent verification and violating due process. *California v. Trombetta*, 467 U.S. 479, 488-489 (1984); *Arizona v. Youngblood*, 488 U.S. 51, 58 (1988). Field tests are known to produce false positives and react to innocent substances. *Melendez-Diaz v. Massachusetts*, 557 U.S. 305, 318-319 (2009); *Bullcoming v. New Mexico*, 564 U.S. 647, 657-658 (2011). Without the preserved kit, the test cannot satisfy the probable cause requirement, which demands a "fair probability" based on reliable evidence. *Illinois v. Gates*, 462 U.S. 213, 238 (1983).

Individually and collectively, these factors do not establish a "fair probability" that the vehicle contains contraband. They describe ordinary travel behavior shared by countless innocent citizens.

A. Drug Corridor Profiling and Rental Vehicle Status Violate the Particularized Suspicion Requirement

Trooper Lewis testified he followed the rental vehicle because it appeared to be a rental with out-of-state plates on "a major drug trafficking route from Columbus, Dayton and Detroit to Huntington, West Virginia." This reveals generalized suspicion based on a profile rather than particularized suspicion tied to this specific vehicle and its occupants.

The Fourth Amendment requires individualized suspicion—facts indicating *this particular person* is engaged in criminal activity. *United States v. Cortez*, 449 U.S. 411, 417-418 (1981); *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979) (Fourth Amendment requires particularized suspicion, not suspicion based on presence in particular location or use of particular vehicle type); *Reid v. Georgia*, 448 U.S. 438, 441 (1980) (per curiam) (factors describing very large category of innocent travelers cannot constitute reasonable suspicion). The decision below permits searches based on rental vehicle status, out-of-state plates, and highway location—factors that could justify stopping and searching millions of innocent interstate travelers on any designated "drug corridor."

The rental vehicle aspect is particularly troubling. Rental cars are a staple of American life, used for business travel, vacations, family visits, and vehicle maintenance. *Byrd v. United States*, 138 S. Ct. 1518, 1524 (2018) ("Millions of people have lawful reasons to rent cars, and millions do so every day"). Treating rental vehicle status as a basis for heightened suspicion effectively creates a two-tier system of Fourth Amendment protection: full protection for vehicle owners, diminished protection for renters. This contradicts the Fourth Amendment's text and this Court's precedents extending full protection to rental vehicle drivers. *Byrd*, 138 S. Ct. at 1531 (rental car drivers retain full Fourth Amendment protections); *United States v. Guest*, 383 U.S. 745, 757-758 (1966) (right to interstate travel is fundamental).

B. Lack of Luggage Does Not Create Probable Cause

The absence of visible luggage for a multi-day trip is, at most, a factor creating reasonable suspicion for brief questioning. It does not establish probable cause to search. *United States v. Sokolow*, 490 U.S. 1, 9-10 (1989) (factors consistent with innocent travel cannot

collectively create reasonable suspicion); *Reid v. Georgia*, 448 U.S. 438, 441 (1980) (factors describing large category of innocent travelers insufficient). Many innocent explanations exist:

- Luggage in the trunk (not visible to officer)
- Small overnight bags sufficient for short trip
- Planning to stay with family who will provide necessities
- Last-minute travel decision
- Minimalist travel preferences
- Rental vehicle with items already at destination

Permitting searches based on absence of luggage effectively punishes citizens for traveling light and disproportionately impacts rental vehicle users. *Byrd v. United States*, 138 S. Ct. 1518 (2018).

III. THE ISSUES PRESENTED ARE OF NATIONAL IMPORTANCE

These issues affect countless traffic stops conducted daily throughout the United States, particularly on highways characterized by law enforcement as drug trafficking corridors.

The decision below, if allowed to stand, permits law enforcement to:

1. Search rental vehicles based on officers' subjective claims of specialized observation abilities not verifiable by video or scientific testing. *Byrd v. United States*, 138 S. Ct. 1518 (2018); *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993)

2. Destroy faulty field test evidence, eliminating independent verification of reliability or results and violating due process. *California v. Trombetta*, 467 U.S. 479 (1984); *Arizona v. Youngblood*, 488 U.S. 51 (1988)
3. Justify searches through combinations of factors individually consistent with innocent behavior. *Reid v. Georgia*, 448 U.S. 438 (1980); *United States v. Sokolow*, 490 U.S. 1 (1989)
4. Target rental vehicles based on rental status, out-of-state plates, and travel on designated corridors. *Byrd*, 138 S. Ct. at 1524

These practices disproportionately impact interstate travelers, business travelers, and families renting vehicles, creating uncertainty about Fourth Amendment protections. *Byrd*, 138 S. Ct. at 1524 ("Millions of people have lawful reasons to rent cars"); *United States v. Guest*, 383 U.S. 745, 757-758 (1966) (right to interstate travel is fundamental). Citizens renting vehicles and traveling on major highways have no way to predict whether their ordinary travel behavior—renting a vehicle, crossing state lines, traveling light—will subject them to searches based on unverifiable officer claims and destroyed evidence.

The destruction of faulty field test kits implicates broader national concerns about forensic evidence reliability, the right to confront evidence, and due process. *Melendez-Diaz v. Massachusetts*, 557 U.S. 305, 318-319 (2009); *Bullcoming v. New Mexico*, 564 U.S. 647, 657-658 (2011); *California v. Trombetta*, 467 U.S. 479, 488-489 (1984). If officers can destroy forensic evidence immediately after using it to justify searches, the Fourth Amendment's protections and the Confrontation Clause become illusory.

The constitutional questions presented warrant this Court's review to ensure Fourth Amendment protections have meaningful, objective content rather than dependence on individual officers' claimed expertise and destroyed evidence that cannot be independently verified.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant this Petition for Writ of Certiorari, review the decision below, and reverse the judgment of the Ohio Court of Appeals.

Respectfully submitted,

Michael W Andrews

MICHAEL WAYNE ANDREWS
Petitioner Pro Se
459 Eldridge Avenue
Columbus, OH 43203
Mikeandrews564@gmail.com
(614) 260-0173

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