

IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
COLUMBUS, OHIO

FILED
2022 FEB 16 PM 2:51

FRANKLIN COUNTY
MUNICIPAL COURT
FORUM TRACK

STATE EX REL.
COLUMBUS CITY ATTORNEY
ZACH KLEIN

RELATOR-PLAINTIFF,

V.

VB TWO LLC, ET AL.

RESPONDENTS-DEFENDANTS.

CASE No. 22 EVH 60099

JUDGE STEPHANIE MINGO

PARCEL No. 010-071527-00

TEMPORARY RESTRAINING ORDER

This matter came before the Court on February 16, 2022 on Relator's request for an ex parte temporary restraining order filed in conjunction with a Complaint and Motion for Preliminary and Permanent Injunctive Relief. In light of the circumstances, this motion was filed *ex parte*. For purposes of the temporary restraining order, the Court finds that the Relator has established that Respondent-Defendant VB TWO LLC is the record owner of the property located at 2291 Taylor Avenue in Columbus, Ohio. All Respondents-Defendants, unless otherwise identified, are persons in charge, care, and control, and/or are employees, agents or lessees of 2291 Taylor Avenue in Columbus, Ohio, Parcel ID No. 010-071527-00.

On information and belief, Relator asserts the following:

1. The property located at 2291 Taylor Avenue, Columbus, Ohio, 43211, (hereinafter "Premises") has the general reputation of being a place where illegal narcotics activity occurs.

2. The Premises is a single-family dwelling located in the East Linden community of the City of Columbus.
3. On April 23, 2020, Columbus Division of Police ("CPD") officers were called to the Premises on report of narcotics activity.
4. On November 21, 2021, CPD officers were dispatched to the Premises on a gun run where the victim accused a male black, later identified as Jermaine Howard, of pointing an AR-15 style rifle at her and stealing her handgun (described as a 9mm handgun). Three suspects, Jermaine Howard, Ricardo Stewart and Ahnika Jackson-Falls were detained without incident. CPD Robbery Detective Jason Wood was contacted and responded to the scene.
5. That same day, CPD Robbery Detective Jason Wood ("Detective Wood") obtained and executed a search warrant at the Premises for the recovery of the reported stolen 9mm handgun, as well as the AR-15 style assault rifle and any other evidence used to facilitate the crime of Aggravated Robbery. Detective Wood recovered approximately two (2) pounds of marijuana, a 9mm handgun magazine with live rounds and a gun holster.
6. During the month of November 2021, the Reynoldsburg Police Department ("RPD") began investigating narcotics activity at the Premises.
7. During the week of November 14, 2021, RPD Detectives deployed a stationary surveillance platform near the Premises capturing at least thirty-four (34) suspected narcotics transactions over approximately 8.5 hours of surveillance. Individuals were observed parking on Taylor Avenue and walking to the south side of the Premises where hand-to-hand narcotics transactions were made over the top of a metal storm

door. RPD investigators identified Jermain Howard as one of the drug dealers engaging in hand to hand transactions over top of the metal storm door. RPD officer also identified two men by the names of Dwayne Howard and Deante Mathis repeatedly entering and exiting the front door of the Premises.

8. On November 23, 2021, the CPD Drug Crimes Bureau and Investigative Tactical Unit ("INTAC"), along with Detectives from the Reynoldsburg Police Department ("RPD"), executed a search warrant at the Premises. Officers recovered a large cellophane bag of marijuana, marijuana packaged for sale, suspected Oxycodone, 5.56mm and 9mm of ammunition, a loaded gun magazine, \$1,050.00 in cash and a surveillance system DVR.
9. On December 6, 2021, CPD received an online citizen's complaint regarding narcotics activity at the Premises. The complaint described, "Multiple vehicles coming and going" and further stated "occupants of vehicles go to the house and leave after a few minutes."
10. On December 22, 2021, CPD Reroute Officers Michael Laird ("Laird") and Brett Woodyard ("Woodyard") conducted plain-clothes surveillance on the Premises. CPD began investigating the Premises pursuant to several narcotics complaints and an ongoing investigation into a large scale marijuana trafficking operation believed to be operated by Dwayne Smith and Deante Mathis, both of whom had been observed coming and going frequently from the Premises. Officers observed 12 -15 vehicles, including a black Tahoe registered to Deante Mathis, park on Taylor Avenue in front of the Premises. Officers observed the individuals exiting the vehicles, walk up to the south side door of the Premises and return to their vehicles after 1-2 minutes.

11. On December 23, 2021, Laird and Woodyard again conducted plain-clothes surveillance on the Premises. Officers again observed several vehicles parked on Taylor Avenue. Officers observed individuals get out of their vehicles, walk to the side door on the south side of the Premises and hand an unknown amount of money over the top of the metal storm door to an unknown black male inside. In exchange, individuals were handed a small clear plastic sandwich bag containing what appeared to be marijuana.
12. On December 24, 2021, CPD was called to the Premises on report of a person with a gun.
13. On December 28, 2021, Laird and Officer James Watkins conducted plain-clothes surveillance on the Premises. During surveillance, officers observed approximately 10-12 vehicles park on Taylor Avenue. Officers observed individuals exit their vehicles, approach the south side door of the Premises and return to their vehicles after 1-2 minutes.
14. On December 29, 2021 CPD Drug Crimes Bureau, INTAC, along with officers from the reroute initiative executed a search warrant at the Premises. Prior to executing the search warrant, Laird and Officer Cory Kahoun conducted surveillance on the Premises. Officer observed "seven customers get served" from the south side door of the Premises. Officers recovered 2,993.71 grams of marijuana, two handguns (one with a drum magazine and one stolen), five cell phones, a camera DVR system and \$1,126.00 in cash. Ten (10) dogs were also observed inside of the Premises.
15. On January 4, 2022, CPD Drug Crimes Bureau Detective Heidi Malone sent a certified letter to VB TWO LLC providing information regarding the execution of the

December 29, 2021 search warrant, the drug activity occurring at the Premises and the property owner's immediate duty to prevent continued illegal activity at the Premises.

16. On January 10, 2022, CPD received a signed return card.
17. On January 26, 2022, CPD received an online citizen's complaint regarding continued narcotics activity at the Premises. The complaint described "vehicles still coming and going."
18. Relator asserts that the illegal narcotics activity occurring at the subject Premises imposes imminent threat to the life, health and safety of the area community.

Pursuant to Ohio Civil Rule 65(A), and R.C. 3767.04(B)(2), this Court hereby enters this temporary restraining order. The Court finds that Relator has made a preliminary showing that continued illegal narcotics activity at 2291 Taylor Avenue in Columbus, Ohio, will cause immediate and irreparable harm to the surrounding community. The Court finds the illegal activity occurring at the Premises constitutes an imminent danger for those at the Premises and for those around the Premises.

Furthermore, pursuant to Civil Rule 65, Relator has established that exigent circumstances exist to support the issuance of an *ex parte* restraining order in accordance with the Ohio Revised Code.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

The Relator has established by clear and convincing evidence that the illegal violent and criminal activity occurring at the premises located at 2291 Taylor Avenue in Columbus, Ohio, continues to cause irreparable harm to the community and that the

property is a nuisance *per se* as defined in R.C. § 3767.01 and R.C. § 3767.02, and in Columbus City Code § 4703.

It is the further **ORDER** of this Court that all occupants of 2291 Taylor Avenue in Columbus, Ohio, be forcibly removed from the premises forthwith. Said occupants may be forcibly detained during the execution of this order. Furthermore, the premises shall be closed, padlocked, boarded or secured as deemed necessary by the Chief of the Columbus Police Department or his or her designee(s) against its use for any purpose until a final decision is rendered on the Complaint for Preliminary and Permanent Injunctive Relief as required by R.C. § 3767.04. This temporary restraining order shall apply to and prohibit usage of or entrance onto any curtilage or porch areas of the premises for any purpose—no vehicles or persons are to be anywhere on the parcel.

It is further **ORDERED** that this temporary restraining order shall apply to the parcel in its entirety. No person may enter and/or occupy 2291 Taylor Avenue in Columbus, Ohio, including any portion of the parcel. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor.

It is further **ORDERED** that only necessary personal property located on the premises be removed by the occupants prior to closure and under the direction of the Columbus Division of Police. The Columbus Division of Police is authorized to inventory personal property located on the premises; however, only items related to or in connection with the illegal conduct must be inventoried and accounted for. The Columbus Division of Police may, however, also remove and secure at an off-site location highly mobile and valuable property, including but not limited to such personal property as automobiles, cash,

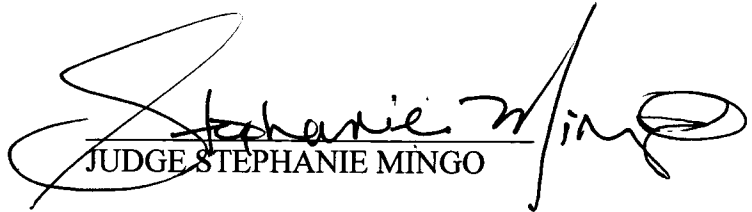
jewelry and electronic equipment which may be at risk of theft during the pendency of this ORDER.

This case is continued for further preliminary hearing on the merits of Relator's Complaint for Preliminary and Permanent Injunctive Relief on the 28th day of Feb, 2022 at 9:00 A.M. in courtroom 15B, located on the 15th floor of 375 S. High Street, Columbus, Ohio 43215. This Order shall remain in effect until that time or as otherwise ordered by this Court.

This order shall be served upon the Respondents-Defendants by the Columbus Division of Police or Relator's Counsel; the order may be served by posting a copy of it in a conspicuous place at or upon one or more of the principal doors or entrances of the property. The closing of said premises at 2291 Taylor Avenue in Columbus, Ohio with forcible entry and removal of all occupants shall be effectuated by the Columbus Division of Police with the assistance of Columbus Code Enforcement. Based on the Affidavit submitted with the Complaint and Motion, the Court finds that notice of entry upon the premises could result in destruction, concealment or removal of contraband, illegal narcotics or property and could create a serious risk of physical harm to law enforcement officers or other authorized individuals in the execution of this *ex parte* Order.

IT IS SO ORDERED.

2-16-22.
DATE


JUDGE STEPHANIE MINGO