

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

UNITED STATES OF AMERICA,

v.

CODY RYAN TODD,

Defendant.

CRIMINAL ACTION FILE

NO. 4:18-CR-003-13-MLB-WEJ

NON-FINAL REPORT AND RECOMMENDATION

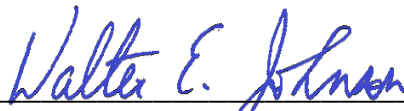
This matter is before the Court on defendant Cody Ryan Todd's Motion to Suppress Evidence Obtained from Illegal Search [391]. Based on the evidence received and testimony at this hearing, the undersigned **RECOMMENDS** that defendant's Motion be **DENIED**.

On October 22, 2019, the Court conducted a hearing on defendant's Motion. The sole issue was whether the officers exceeded the scope of defendant's consent when they searched his home for personal items belonging to the victim. Corporal Brandon Wilson testified that he and former Sergeant Gramling responded to a 911 call from a victim reporting assault. (Oct. 22, 2019 H'rg.) The victim reported that his burgundy/red jacket, shoes, and cell phone remained at the scene of his assault- 315 Beulah Church Road. (Id.) Wilson testified that he and Gramling went to 315

Beulah Church Road to attempt to retrieve the items the victim had described. (Id.) Upon arriving at 315 Beulah Church Road, he and Gramling knocked on the door and announced themselves as police. (Id.) Defendant and another female answered the door and gave consent for Wilson and Gramling to enter. (Id.) Gramling testified that after a brief conversation, defendant verbally consented to the officers searching the residence for the victim's items and gestured toward a bedroom while giving consent. After entering the bedroom indicated by defendant, Gramling found a burgundy/red jacket that matched the victim's description on the floor of the bathroom connected to the bedroom. Gramling also found a pair of pliers in plain view on the bedroom floor that they believed defendant may have used in an attempt to pull out the victim's teeth during the assault.

Based on the testimony of the officers and the evidence received at the hearing, it is clear the officers search was reasonable and did not exceed the scope of defendant's consent when they conducted a search of his residence. For the foregoing reasons, the undersigned **RECOMMENDS** defendant's Motion [391] be **DENIED**.

SO RECOMMENDED, this 22nd day of October, 2019.


WALTER E. JOHNSON
UNITED STATES MAGISTRATE JUDGE