

who could corroborate Complainant's contention that he did not have pink eyes and did not act defensively.

Complainant states that he did not consent to the search. Whether or not he consented to the search is irrelevant; Trooper Churness did not rely on his consent to search the vehicle.

Instead, he relied on the two "hits" made by the canine unit outside of Complainant's vehicle.

There was clearly probable cause to search the vehicle. Complainant's argument of no probable cause is further weakened by the fact that he pleaded guilty to the charge of possession.

Complainant speculates that race is a factor when Trooper Churness targets out of state license plates; the DHR's investigation showed that Trooper Churness frequently stops vehicles with out of state license plates, and that there is no data from which it could be determined whether a disproportionate number are of minorities.

CONCLUSION

The Commissioner correctly concluded that there was no probable cause to credit the

