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Minn. Stat. § 480A.08, subd. 3 (2016).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A17-1160**

State of Minnesota,
Respondent,

vs.

Brian Alan Taylor,
Appellant.

**Filed May 14, 2018
Affirmed
Schellhas, Judge**

Hennepin County District Court
File No. 27-CR-16-22567

Lori Swanson, Attorney General, St. Paul, Minnesota; and

Jeffrey W. Lambert, Wayzata City Attorney, Wayzata, Minnesota (for respondent)

Lee R. Wolfgram, The Wolfgram Law Firm, Ltd., Minneapolis, Minnesota (for appellant)

Considered and decided by Schellhas, Presiding Judge; Reyes, Judge; and Stauber,
Judge.*

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

UNPUBLISHED OPINION

SCHELLHAS, Judge

Appellant challenges his conviction of driving while impaired (DWI), arguing that the stop of his vehicle was unconstitutional because it was not supported by reasonable articulable suspicion of criminal activity. We affirm.

FACTS

Officer Andrew Sharratt of the Wayzata Police Department was on patrol in the City of Wayzata when he overheard a radio transmission from the Orono Police Department regarding a domestic disturbance in the City of Mound. The transmission indicated that the Orono Police Department received information from dispatch that a male individual “had shown up at a female’s residence” and that a “verbal altercation” ensued. The female reported that she “believed the male was intoxicated” because he made “unusual” comments about wanting to kill Donald Trump. The female identified the male as appellant Brian Taylor, and stated that he left her residence in a red Jeep and would be “traveling on Highway 12.”

After hearing the radio transmission, Officer Sharratt positioned his squad car along Highway 12, and a “couple of minutes” later, observed a red Jeep drive past his location. Officer Sharratt followed the Jeep and checked its license plate. The license check revealed that Taylor was the registered owner. Officer Sharratt initiated a traffic stop because he believed that Taylor was involved in the reported domestic disturbance and may have been intoxicated.

During the stop, Officer Sharratt identified the driver as Taylor, observed indicia of intoxication, required Taylor to perform three field sobriety tests, and administered a

preliminary breath test (PBT). The PBT registered an alcohol concentration of 0.115. Officer Sharratt arrested Taylor and charged him with DWI under Minn. Stat. § 169A.20, subd. 1(1) (2016).

Taylor filed a pretrial motion, which the district court construed as a suppression and dismissal motion for lack of probable cause. The court denied the motion, concluding that the radio transmission from the Orono Police Department provided Officer Sharratt with sufficient information to reasonably suspect that Taylor was driving while impaired. To obtain review of the court's suppression ruling, Taylor stipulated to respondent State of Minnesota's case under Minn. R. Crim. P. 26.01, subd. 4, and the district court found him guilty of the charged offense.

This appeal follows.

D E C I S I O N

Taylor challenges the district court's denial of his suppression motion. When reviewing such orders, this court reviews the district court's factual findings for clear error. *State v. deLottinville*, 890 N.W.2d 116, 119 (Minn. 2017), *cert. denied*, 138 S. Ct. 377 (2017). But the district court's determination of reasonable suspicion presents a question of law that is subject to de novo review. *State v. Morse*, 878 N.W.2d 499, 502 (Minn. 2016).

The United States and Minnesota Constitutions guarantee "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV; Minn. Const. art. 1, § 10. A search or seizure that is conducted without a warrant is presumptively unreasonable. *State v. Lugo*, 887 N.W.2d 476, 486 (Minn. 2016). One exception to the warrant requirement that permits police to

“conduct a brief, investigatory stop” occurs when police have “a reasonable, articulable suspicion that criminal activity is afoot.” *Illinois v. Wardlow*, 528 U.S. 119, 123, 120 S. Ct. 673, 675 (2000) (citing *Terry v. Ohio*, 392 U.S. 1, 30, 88 S. Ct. 1868, 1884–87 (1968)).

“Reasonable suspicion must be based on specific, articulable facts that allow the officer to be able to articulate that he or she had a particularized and objective basis for suspecting the seized person of criminal activity.” *Morse*, 878 N.W.2d at 502 (quotations omitted). “The reasonable-suspicion standard is not high.” *Id.* (quotation omitted). “A trained police officer is entitled to draw inferences on the basis of all of the circumstances . . . inferences and deductions that might well elude an untrained person.” *Id.* (quotations omitted). “[T]o justify such an investigatory stop, the police must only show that the stop was not the product of mere whim, caprice or idle curiosity, but was based upon specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.” *State v. Anderson*, 683 N.W.2d 818, 823 (Minn. 2004) (quotations omitted).

Taylor argues that the stop of his vehicle was unconstitutional because it was “based on a hunch developed after overhearing radio traffic of another department, and not based on any observations of the officer or facts known to him that would create a reasonable articulable suspicion that [Taylor] was involved in criminal activity.” But the factual basis needed to maintain a routine traffic stop need not arise from an officer’s personal observations; it may also be supplied by information acquired from another person, including an informant. *Marben v. State, Dep’t of Pub. Safety*, 294 N.W.2d 697, 699 (Minn. 1980). An officer properly stops a motor vehicle in reliance on a telephone tip when the

caller identifies herself and states that a driver of a vehicle has just been nearby and appears to be intoxicated. *See, e.g., City of Minnetonka v. Shepherd*, 420 N.W.2d 887, 890–91 (Minn. 1988) (stating that stop was proper when based on identified gas-station attendant’s tip regarding intoxicated driver); *Magnuson v. Comm’r of Pub. Safety*, 703 N.W.2d 557, 560–61 (Minn. App. 2005) (stating that sufficient reasonable suspicion supported stop based on personal observations of an identified citizen that driver was drunk).

Here, the record reflects that Officer Sharratt properly stopped Taylor’s vehicle based on information provided in a radio transmission from a neighboring jurisdiction regarding a domestic disturbance. Taylor argues that Officer Sharratt did not properly rely on the dispatch to the Orono Police Department because he was an officer with the Wayzata Police Department. Taylor offers no legal authority that supports his argument, and we can find none. We conclude that the district court did not err by denying Taylor’s suppression motion.

Affirmed.