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Minn. Stat. § 480A.08, subd. 3 (2018).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-0675**

State of Minnesota,
Appellant,

vs.

Darryl Dewayne Gibson, Jr.,
Respondent.

**Filed November 25, 2019
Reversed and remanded
Smith, John, Judge***

Nobles County District Court
File No. 53-CR-18-943

Keith Ellison, Attorney General, St. Paul, Minnesota; and

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Considered and decided by Bjorkman, Presiding Judge; Cochran, Judge; and Smith, John, Judge.

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

UNPUBLISHED OPINION

SMITH, Judge

We reverse the district court's order suppressing evidence recovered from a traffic stop and dismissing the charges against respondent because Minn. Stat. § 169.30(b) (2018) requires a motorist to stop near a stop sign or stop line before completely passing either, and we remand for further proceedings.

FACTS

Respondent Darryl Dewayne Gibson was stopped by an officer from the Worthington Police Department shortly after making a right-hand turn from the interstate 90 exit onto US 59/North Humiston Avenue. Upon being stopped, Gibson provided the officer with his brother's name, Darren Dewayne Gibson. Suspecting that Gibson was involved in criminal activity, the officer asked to search Gibson's vehicle. Gibson consented, and the officer found a computer, a printer, and a box of blank checks, which the officer later determined were used to create forged checks.

At the omnibus hearing, Gibson challenged the lawfulness of his traffic stop. The officer testified that Gibson stopped his vehicle "at the stop sign that is at the intersection of the off ramp and North Humiston Avenue, [but] the entire length of [Gibson's] vehicle was in front of the solid white stop line." The officer admitted that Gibson's vehicle made a complete stop before entering the intersection, but he stated that Gibson's failure to stop behind the stop line constituted a traffic infraction. The squad car video, which was submitted as an exhibit, depicts the entirety of Gibson's vehicle stopping beyond the stop line, with the stop sign at the location appearing to be adjacent to the stop line.

The district court granted Gibson’s motion to suppress the evidence recovered from the traffic stop, and dismissed the charges against him. The State of Minnesota now appeals.¹

DECISION

Section 169.30(b) of the Minnesota Statutes states that, “Every driver of a vehicle shall stop at a stop sign or at a clearly marked stop line before entering the intersection, except when directed to proceed by a police officer or traffic-control signal.”

The district court interpreted section 169.30(b) and concluded that “the statutory duty imposed upon a driver is to stop at the intersection, not the stop sign or stop line.” We disagree with the district court’s interpretation of the statute.

This court reviews the interpretation of a statute de novo. *Friedlander v. Edwards Lifesciences, LLC*, 900 N.W.2d 162, 164 (Minn. 2017).

The Minnesota Legislature has directed that “[t]he object of all interpretation and construction of laws is to ascertain and effectuate the intention of the legislature,” and that “[e]very law shall be construed, if possible, to give effect to all its provisions.” Minn. Stat. § 645.16 (2018). The methodology by which the courts of this state interpret a statute is well established.

¹ The state may appeal “any case, from any pretrial order, including probable cause dismissal orders based on questions of law.” Minn. R. Crim. P. 28.04, subd. 1(1). However, it must show “how the district court’s alleged error, unless reversed, will have a critical impact on the outcome of the trial.” *Id.*, subd. 2. The state argues, and Gibson does not dispute, that the dismissal of criminal charges constitutes a “critical impact.” We agree, and believe that the state has satisfied the requirements for appellate review. *See State v. Lugo*, 887 N.W.2d 476, 481-82 (Minn. 2016).

The first step in statutory interpretation is to determine whether a statute's language, on its face, is ambiguous. A statute is ambiguous if it is susceptible to more than one reasonable interpretation. If a statute is ambiguous, we may look to canons of construction to ascertain its meaning. If a statute is unambiguous, we apply its plain meaning.

State v. Henderson, 907 N.W.2d 623, 625 (Minn. 2018) (citations omitted). In order to assist in that endeavor, the legislature has promulgated its own canons of interpretation, one of which states that, “words and phrases are construed according to rules of grammar and according to their common and approved usage,” unless such a construction would be “inconsistent with the manifest intent of the legislature, or repugnant to the context of the statute.”² Minn. Stat. § 645.08(1) (2018). In determining the common and approved usage of words, it is permissible to resort to dictionary definitions. *State v. Jama*, 923 N.W.2d 632, 636 (Minn. 2019).

As used in section 169.30(b), “at” means “in or near” some location or object. *The American Heritage Dictionary of the English Language* 111 (5th ed. 2011). Likewise, the word “before,” as used in the statute, means “[e]arlier in time.” *Id.* at 161. Incorporating these definitions into the language of section 169.30(b) reformulates the statute to require that a motorist, previous in time to entering an intersection, stop his vehicle in or near the position of a stop sign or clearly marked stop line.

This reformulation does not, in itself, resolve where exactly a motorist must stop in relation to a stop sign or stop line. However, the legislature's direction that “[e]very law

² This canon of interpretation may be utilized prior to determining whether a statute is ambiguous. *Laase v. 2007 Chevrolet Tahoe*, 776 N.W.2d 431, 435-36 (Minn. 2009).

shall be construed, if possible, to give effect to all its provisions,” and its admonition to avoid constructions which are “repugnant to the context of the statute,” indicate that any interpretation of section 169.30(b) must take into account that the statute identifies stop signs and stop lines as demarcating where a motorist is to stop. If, as the district court concluded, a motorist is merely required to stop before entering the intersection, the language directing a motorist to stop “at a stop sign or at a clearly marked stop line” would be meaningless. Therefore, when the legislature’s canons of interpretation are applied, it is apparent that section 169.30(b) requires a motorist to stop in sufficient proximity to a stop sign or stop line, so as to not render either inconsequential.

Even if we were to conclude that the statute was ambiguous, any inquiry into the intent behind the statute would lead to the same interpretation. “When the words of a law are not explicit, the intention of the legislature may be ascertained by considering, among other matters . . . the object to be attained . . . [and] the consequences of a particular interpretation.” Minn. Stat. § 645.16. We have recognized that “[t]he purpose of traffic regulation is to protect against traffic hazards.” *Wilkes v. Comm’r of Pub. Safety*, 777 N.W.2d 239, 243 (Minn. App. 2010) (quotation omitted). By directing motorists when and where to stop, stop signs and stop lines regulate the flow of traffic at intersections and the entrances to through highways. The safe flow of traffic is best achieved if motorists are able to anticipate the actions of other motorists at those locations. Requiring motorists to stop in proximity to a stop sign or stop line, even if that stop sign or stop line is set back some distance from the threshold of the intersection, best affords traffic on the through highway an opportunity to assess the intentions of drivers attempting to enter the

intersection. Although this might require motorists seeking to enter a through highway to make a complete stop at the stop sign or stop line and stop a second time at the threshold of the intersection, such a requirement best enables both traffic on the through highway and traffic entering the through highway to assess potential hazards caused by cross and oncoming traffic.

The district court relied on the Minnesota Supreme Court's decision in *Bohnen v. Gorr*, to support its interpretation of section 169.30(b). 47 N.W. 2d 459 (Minn. 1951). In *Bohnen*, the supreme court examined section 169.30 within the context of a personal injury action and held that, "[w]here the view of a highway is obstructed at the point where a stop sign is erected, it may not be sufficient to stop where the sign is erected in order to comply with the statute requiring a motorist to stop at the entrance to the highway." *Id.* at 464. Contrary to what the district court suggested in its order, that holding did not obviate the requirement to stop at a stop sign or stop line in favor of stopping at the intersection. Rather, the supreme court determined that compliance with section 169.30 did not necessarily constitute compliance with section 169.20, subdivision 3 (2018), which requires motorists to stop at the entrance to a through highway.³ *Id.* at 464. In reaching that conclusion, the supreme court recognized that stop signs are "intended to warn motorists of the presence of a through or arterial highway," and "are usually erected some distance from the entrance to the through highway in order to afford approaching motorists an opportunity to stop before they reach the highway," *id.*, which, if anything, accords with

³ Neither section 169.30, nor section 169.20, subdivision 3, was subdivided into paragraphs at the time *Bohnen* was decided.

our belief that section 169.30(b) requires motorists to stop where a stop sign or stop line is located in order to assess potential traffic hazards.

Because Gibson failed to stop at, near, or in proximity to the stop sign and stop line and completely passed both, he violated section 169.30(b). Therefore, the traffic stop was lawful.

Reversed and remanded.