

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A22-0066**

State of Minnesota,
Respondent,

vs.

Bryan William Fries,
Appellant.

**Filed August 15, 2022
Affirmed
Klaphake, Judge ***

LeSueur County District Court
File No. 40-CR-20-697

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

Kimberly Woodgate, Le Sueur City Attorney, Le Sueur, Minnesota (for respondent)

Jacob Birkholz, Michelle K. Olsen, Birkholz & Associates, LLC, Mankato, Minnesota (for appellant)

Considered and decided by Slieter, Presiding Judge; Bryan, Judge; and Klaphake, Judge.

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

NONPRECEDENTIAL OPINION

KLAPHAKE, Judge

Appellant Bryan William Fries challenges his conviction of gross-misdemeanor driving while impaired (DWI). He argues that the district court erred by denying his motion to suppress evidence obtained during a traffic stop because the police officer who stopped him lacked reasonable suspicion. We affirm.

DECISION

The United States and Minnesota Constitutions protect against unreasonable searches and seizures. U.S. Const. amend. IV; Minn. Const. art. I, § 10. A police officer may conduct a “brief, investigatory stop of a motor vehicle when the officer has a reasonable, articulable suspicion that criminal activity is afoot.” *State v. Taylor*, 965 N.W.2d 747, 752 (Minn. 2021) (quotation omitted). The reasonable-suspicion standard is “not high.” *State v. Diede*, 795 N.W.2d 836, 843 (Minn. 2011). It requires “more than a mere ‘hunch’” but “considerably less than proof of wrongdoing by a preponderance of the evidence.” *Taylor*, 965 N.W.2d at 752 (quotation omitted). The reasonable-suspicion standard is satisfied when an officer “observes unusual conduct that leads the officer to reasonably conclude in light of his or her experience that criminal activity may be afoot.” *State v. Timberlake*, 744 N.W.2d 390, 393 (Minn. 2008) (quotation omitted). We review a district court’s determination of reasonable suspicion de novo. *State v. Smith*, 814 N.W.2d 346, 350 (Minn. 2012).

The officer who stopped Fries’s vehicle on August 15, 2020, testified at an omnibus hearing. He explained that, around 9:00 p.m. that evening, he pulled up to a stop sign in

his marked police car. While looking around, he noticed a vehicle pull up behind him and heard “a male and female screaming.” He could not hear distinct words, but it “sounded like an argument of a domestic in nature.” After a few seconds, the officer heard the male shout, “Get the f-ck out of my way,” apparently directed at him. The officer turned but watched where the vehicle went; when it turned the other direction, he turned around and followed.

As he drove behind the vehicle, the officer checked the license plate and learned that Fries was the owner of the vehicle. The officer knew that Fries had “a long history of domestic and disturbances.” And as both vehicles stopped at another stop sign, the officer heard continued yelling from the vehicle. Shortly thereafter, he initiated a traffic stop to investigate possible domestic violence.

Fries argues the officer lacked a sufficient basis to suspect domestic violence because (1) the officer merely heard a verbal altercation, which is not domestic violence; and (2) Fries’s criminal history “alone” cannot establish reasonable suspicion. But an officer is not required to observe criminal activity to conduct a traffic stop; he merely needs to be aware of circumstances that, viewed collectively and in light of his training and experience, reasonably lead him to suspect criminal activity. *See Taylor*, 965 N.W.2d at 753. The relevant circumstances include not just present observations but contextual information, such as a suspect’s criminal history. *See id.* at 754 (stating that officer’s knowledge that driver’s license was canceled as inimical to public safety contributed to reasonable suspicion of impaired driving); *State v. Flowers*, 734 N.W.2d 239, 249 (Minn.

2007) (stating that knowledge of a suspect's criminal record may contribute to probable cause).

The officer heard ongoing "screaming" and "yelling" between a man and a woman coming from the vehicle of a man known to have a history of domestic violence. These circumstances provided ample basis for reasonably suspecting domestic violence and conducting a brief stop of the vehicle to investigate.

Affirmed.