

*This opinion is nonprecedential except as provided by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
A22-0648**

State of Minnesota,
Respondent,

vs.

Ronald Joseph Hansen,
Appellant.

**Filed May 1, 2023
Affirmed
Connolly, Judge**

Crow Wing County District Court
File No. 18-CR-20-1955

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

Donald F. Ryan, Crow Wing County Attorney, Lindsey Lindstrom, Assistant County Attorney, Brainerd, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, St. Paul, Minnesota; and

Samuel N. Louwagie, Special Assistant Public Defender, Minneapolis Minnesota (for appellant)

Considered and decided by Slieter, Presiding Judge; Connolly, Judge; and Florey,
Judge.*

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

NONPRECEDENTIAL OPINION

CONNOLLY, Judge

Appellant challenges his conviction for second-degree drug possession, arguing that the district court erred in denying his motion to suppress the evidence because the police did not have reasonable articulable suspicion of criminal activity to justify the stop of his vehicle and improperly expanded the scope of the traffic stop by questioning him about drug possession and conducting a canine search of his vehicle. We affirm.

FACTS

In June 2020, a police investigator had a house under surveillance because (1) he had been informed by a postal inspector that suspicious packages sent from an entity typically used for online purchases of controlled substances had been delivered there, (2) he had received an anonymous tip that the resident of the house might be involved in the sale and distribution of controlled substances, and (3) his prior surveillance of the house had included seeing the resident accept a package. Two vehicles were at the house; the first was owned by the resident, and the second was owned by a woman who lived in a town about an hour and a half away.

The investigator saw a man, later determined to be appellant Ronald Hansen, walk up to the house and enter it, leave after about ten minutes, get into the second vehicle, and drive off without turning on his headlights, although it was raining. Minn. Stat. § 169.48, subd. 1(a)(2) (2018), requires headlights and taillights to be on when it is raining.¹ The

¹ A traffic violation can provide reasonable suspicion for a stop. *See State v. Anderson*, 683 N.W.2d 818, 823 (Minn. 2004).

investigator, aware that those involved in controlled substance activity often drive vehicles owned by others and make very brief visits, followed the car. Because the investigator was wearing plain clothes and his unmarked car was not equipped with a camera, he was not prepared to make a traffic stop himself. He therefore contacted a local police officer and told him that (1) the investigator had been doing surveillance of a house suspected of being involved in drug trafficking, (2) he had seen a man walk up to the house, enter it, leave after about ten minutes, get into a car owned by a woman in another town, and drive away, without turning his lights on; and (3) the investigator was following the car, which he described, including the license number. He asked the officer to stop the car.

The officer stopped the car a few minutes after it left the house. It was not raining at that time, but the road was wet and there was water on the car.² The officer questioned appellant, who said he had driven about an hour and a half to visit a friend, but the friend had to go to work, so appellant was returning home. The officer found this story suspicious and noticed that appellant seemed nervous as he attempted to open the window and answer the officer's questions. He asked appellant to get out of the car and sit on the bumper while the officer ran a license check. When he asked appellant if there was anything illegal in the car, appellant answered that he had been clean and sober for five years.

When the officer asked appellant if he was on probation, appellant said he was, in another county, and that the only two conditions of his probation were that he remain law

² We have personally reviewed the video camera footage in the case and observed that there were water spots on the car next to the door handle and on the portion of the car floor covered by the car door when it is closed, but uncovered when the door is opened.

abiding and stay in contact with his probation agent, whose name he did not remember. A check of appellant's probation status indicated that he had been convicted of third-degree drug possession and that his probation had seven or eight conditions, including being subject to searches and random testing. When the officer asked appellant for permission to search the car, appellant refused.

The officer then decided to have a canine search of the car and told appellant that he was free to leave, but that the car would have to stay until the search was completed. Appellant chose to stay. The canine search resulted in marijuana and methamphetamine being found in the front console and under the driver's seat and marijuana being found in the back seat. Appellant was charged with one count of second-degree controlled-substance crime and one count of third-degree controlled-substance crime. Appellant moved to suppress the evidence obtained from the car as the result of an unlawful search. After a hearing, the district court denied the motion. Appellant waived the right to a jury trial; following a trial on stipulated evidence, he was found guilty of both counts and sentenced to 111 months in prison.

He challenges his conviction on appeal, arguing that the district court erred in denying appellant's motion to suppress the evidence found in the car because the police did not have reasonable, articulable suspicion of criminal activity to stop the car and because the expansion of the stop was not justified.

DECISION

This court independently reviews the facts and determines as a matter of law whether a district court erred in denying a motion to suppress evidence. *State v. Harris*, 590 N.W.2d 90, 98 (Minn. 1999).

1. Reasonable Suspicion for the Stop

To justify the stop of a vehicle, an officer must have a reasonable, articulable suspicion of criminal activity based on the totality of the circumstances. *United States v. Arvizu*, 534 U.S. 266, 273 (2002). Even a trivial traffic violation will justify the stop of a motor vehicle. *Anderson*, 683 N.W.2d at 823. The factual basis for the stop may be minimal; “[a]ll that is required is that the stop be not the product of mere whim, caprice, or idle curiosity.” *State v. McKinley*, 232 N.W.2d 906, 911 (Minn. 1975) (quotation omitted).

An officer may rely on information from another officer under the “collective knowledge” principle, which imputes the entire knowledge of the police force to all officers. *Magnuson v. Comm’r of Pub. Safety*, 703 N.W.2d 557, 559 (Minn. App. 2005) (“Under the doctrine of collective knowledge, the factual basis justifying the investigatory stop need not be known to the officer acting in the field.”); *see also Rancour v. Comm’r of Pub. Safety*, 355 N.W.2d 462, 464 (Minn. App. 1984) (“The factual basis for stopping a vehicle may arise from information supplied by someone other than the arresting officer.”

The district court determined that the officer who stopped appellant “acted in good faith, based on the information provided to him by [the investigator]. Therefore, [the officer] had reasonable articulable suspicion of criminal activity in order to justify the investigative stop of [appellant’s] vehicle.” Appellant argues that the district court erred

in this determination because it was not raining at the precise moment the officer stopped him. The officer testified that it was not raining during the entire traffic stop and it rained only intermittently. The investigator testified that, when he saw appellant's car leave the house, it was raining and the taillights were not on, and he communicated this information to the officer; he also testified that he did not recall whether the rain was intermittent. Appellant relies on the discrepancy between the officer's and the investigator's recollection of the rain to challenge the legitimacy of the stop.

But "searches based on honest, reasonable mistakes of fact are unobjectionable under the Fourth Amendment." *State v. Licari*, 659 N.W.2d 243, 254 (Minn. 2003) (contrasting officers' unobjectionable mistakes of fact with their mistakes of law, which "cannot be reasonable"). Thus, any discrepancy between the investigator's recollection of the rain and the officer's recollection of the rain is irrelevant to the legitimacy of the stop of appellant's car.

Moreover, it is not necessary that the officer making the stop have personal observation of the criminal activity; his reasonable, articulable suspicion may be derived from information provided by someone else. *Marben v. State, Dep't of Pub. Safety*, 294 N.W.2d 697, 699 (Minn. 1980). The officer's reasonable, articulable suspicion that appellant had been driving in the rain without lights on was derived from the investigator's information given only a few minutes earlier; it was not necessary that appellant be driving in the rain without lights at the moment the officer stopped him. The officer's stop of appellant was not the product of mere whim, caprice, or idle curiosity. *See McKinley*, 232 N.W.2d at 911.

2. Expansion of the Stop

Any expansion of a traffic stop must be justified by either the original, legitimate purpose of the stop, an independent probable cause, or reasonableness. *State v. Askerooth*, 681 N.W.2d 353, 365 (Minn. 2004). “Reasonableness” in this context means that the basis for the expansion must satisfy an objective, totality-of-the-circumstances test. *State v. Smith*, 814 N.W.2d 346, 351 (Minn. 2012). This test asks whether the facts available to the officer at the moment of the expansion would justify a man of reasonable caution in the belief that his action in expanding the stop was appropriate, i.e., that it balanced the government’s need to search with the individual’s right to personal security free from arbitrary interference by police officers. *Askerooth*, 681 N.W.2d. at 364-65.

Here, each step the officer took resulted from something he saw or was told, either by the investigator or by appellant himself. The officer heard from the investigator that appellant was seen entering, briefly remaining in, and leaving a house under surveillance for criminal activity because it was suspected of being used for criminal drug-related activity and packages suspected of being online orders of drugs had been delivered there. The officer observed that appellant seemed nervous. The officer heard from appellant that he had driven an hour and a half to visit someone who had to go to work and he was on his way back; when asked if the vehicle contained any illegal items, appellant said he had been clean and sober for five years; when asked if he was on probation, appellant said yes, but he could not remember the name of his probation officer and said his probation had only two conditions, which was incorrect. It was this information, as well as the initial traffic violation, that provided the officer with a reasonable suspicion of criminal activity based

on the circumstances. The investigator's knowledge of the house appellant had just left as a possible venue for criminal drug activity was imputed to the officer under the "collective knowledge" principle and, even if the information had not been known to the officer, the information could still have justified an expansion of the traffic stop to include a canine search for controlled substances. *See Magnuson*, 703 N.W.2d at 560. The district court did not err in denying appellant's motion to suppress the evidence obtained from the car.

Affirmed.