

*This opinion is nonprecedential except as provided by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
A22-0674**

State of Minnesota,
Respondent,

vs.

Eric John Peterson,
Appellant.

**Filed February 27, 2023
Affirmed
Larkin, Judge**

St. Louis County District Court
File No. 69VI-CR-21-675

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

Kimberly J. Maki, St. Louis County Attorney, Amber Pederson, Assistant County Attorney, Virginia, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Anders J. Erickson, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Larkin, Presiding Judge; Connolly, Judge; and Slieter, Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant challenges his convictions of first-degree driving while impaired and fifth-degree possession of a controlled substance, arguing that the district court erred by denying his pretrial motion to suppress. We affirm.

FACTS

On June 25, 2021, a St. Louis County Sheriff's Deputy was on patrol near a gas station and saw appellant Eric John Peterson putting gas in his car. The deputy recognized Peterson from previous encounters and ran a license-plate query on the Minnesota Driver and Vehicle Services (DVS) system. The query revealed that Peterson's driving status was canceled-inimical to public safety (canceled-IPS). After Peterson drove away, the deputy initiated a traffic stop. The deputy searched Peterson's vehicle and found drug paraphernalia and methamphetamine. Blood-test results later revealed that Peterson was under the influence of methamphetamine. Respondent State of Minnesota charged Peterson with one count of first-degree driving while impaired and one count of fifth-degree possession of a controlled substance.

Peterson moved to suppress the evidence found as a result of the traffic stop, asserting that the stop was unconstitutional. The district court held a contested evidentiary hearing on that issue. The deputy testified that the DVS system indicated that Peterson's driving status was canceled-IPS. That testimony was supported by the district court's receipt of a certified copy of Peterson's driving record, which indicated that his license was canceled-IPS when the stop occurred. The district court concluded that the information from the DVS provided a lawful basis for the traffic stop and denied the motion to suppress.

Peterson agreed to stipulate to the prosecution's case under Minnesota Rule of Criminal Procedure 26.01, subdivision 4, thereby preserving his right to obtain appellate review of the district court's pretrial ruling. The district court found Peterson guilty as charged and sentenced him to serve 54 months in prison. Peterson appeals.

DECISION

Peterson contends that his convictions must be reversed because the state failed to prove that his driving privileges were “actually canceled” at the time of the traffic stop. He asserts that “the narrow dispositive issue before this Court is whether the State proved that [his] license was canceled—[IPS]” at the time of the traffic stop.

The parties proceeded under Minn. R. Crim. P. 26.01, subd. 4, which allows a defendant to stipulate to the prosecution’s case to obtain appellate review of a pretrial ruling. In doing so, “[t]he defendant and the prosecutor must acknowledge that the pretrial issue is dispositive.” Minn. R. Crim. P. 26.01, subd. 4(c). Peterson argues that the parties agreed that the dispositive issue on appeal would be whether the state proved that he was driving with a canceled license at the time of the traffic stop. He notes his lawyer’s statement in district court that “[w]e are preserving the issue as to whether or not [Peterson was] actually . . . canceled as [Inimical] to Public Safety” and that “if the Court of Appeals, in fact, determines that [Peterson] was not canceled, then there’s no basis for the stop.”

The dispositive issue in this appeal is whether Peterson’s traffic stop was unconstitutional. In determining that issue, we apply well-established constitutional law governing traffic stops and reject Peterson’s assertion that if his license “was not canceled then there’s no basis for the stop.” As explained below, that is a misstatement of law, which does not bind this court.¹ *See State v. Hannuksela*, 452 N.W.2d 668, 673 n.7 (Minn. 1990) (“[I]t is the responsibility of appellate courts to decide cases in accordance with law,

¹ We therefore do not address Peterson’s five arguments regarding why the record is inadequate to prove that his driver’s license was “actually” canceled-IPS.

and that responsibility is not to be diluted by counsel's oversights, lack of research, failure to specify issues or to cite relevant authorities." (quotation omitted)).

The United States Constitution and the Minnesota Constitution prohibit "unreasonable searches and seizures." U.S. Const. amend. IV; Minn. Const. art. I, § 10. But a police officer may initiate a limited, investigatory stop "if the officer has reasonable articulable suspicion of criminal activity." *State v. Klamar*, 823 N.W.2d 687, 691 (Minn. App. 2012) (citing *Terry v. Ohio*, 392 U.S. 1, 21-22 (1968)). "The factual basis required to support an investigatory stop is minimal." *Magnuson v. Comm'r of Pub. Safety*, 703 N.W.2d 557, 560 (Minn. App. 2005) (citing *State v. McKinley*, 232 N.W.2d 906, 909 (Minn. 1975)).

"When an officer observes a violation of the traffic laws, there is reasonable suspicion to stop the vehicle." *State v. Poehler*, 935 N.W.2d 729, 733 (Minn. 2019). But the "actual violation of the vehicle and traffic laws need not be detectable." *State v. Pike*, 551 N.W.2d 919, 921-22 (Minn. 1996). The police need 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." *Id.* (quotation omitted).

When reviewing a district court's pretrial order on a motion to suppress evidence, we review the district court's legal determinations de novo. *State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008). We review the undisputed facts and "determine, as a matter of law, whether the evidence need be suppressed." *State v. Othoudt*, 482 N.W.2d 218, 221 (Minn. 1992).

Peterson argues that his traffic stop was unlawful because, although the arresting officer “testified that the computer database indicated that [his] license was canceled, the [s]tate failed to provide any evidence establishing that the information in the database was correct.” We are not aware of authority providing that an officer’s reliance on current DVS records cannot provide a reasonable basis for a traffic stop unless the state later proves that the records were correct. Indeed, Peterson does not cite such authority. Instead, he relies on his assertion that this court is bound by the parties’ purported agreement that “if the Court of Appeals, in fact, determines that [Peterson’s license] was not canceled, then there’s no basis for the stop.”

Traffic stops are routinely based on DVS record checks conducted from police squad cars. *See, e.g., Pike*, 551 N.W.2d at 921-22 (upholding traffic stop based on officer’s license-plate check, which revealed the registered owner’s license was revoked). And the Minnesota Supreme Court has held that “[i]t is constitutional for an officer to make a brief, investigatory, [traffic] stop of a vehicle if the officer knows that the owner of the vehicle has a revoked license,” as long as the officer is “unaware of any facts which would render unreasonable an assumption that the owner is driving the vehicle.” *Id.* at 920. Under the reasoning of *Pike*, we similarly conclude that it is constitutional for an officer to make a traffic stop based on current DVS records, so long as the officer is unaware of any facts that would make an assumption that the records are accurate unreasonable. The record does not reveal any basis to conclude that the deputy in this case was aware of such facts.

We note that even if the DVS records in this case were incorrect, it does not necessarily follow that the resulting stop was invalid because “honest, reasonable mistakes

of fact are unobjectionable under the Fourth Amendment.” *State v. Licari*, 659 N.W.2d 243, 254 (Minn. 2003). So long as the deputy was unaware of any facts reasonably suggesting that the DVS records regarding Peterson’s license status were inaccurate, his reliance on incorrect DVS records would constitute an unobjectionable mistake of fact.

Thus, the district court did not err in concluding that the deputy “had a reasonable articulable suspicion to conduct a traffic stop,” that the deputy acted “with a good faith reliance on the accuracy of the data on his squad computer,” and that “even if the driving status was reported incorrectly, it would qualify as a reasonable mistake of fact and not invalidate the stop.”

Peterson submitted a pro se brief arguing that he received ineffective assistance of counsel in district court. That issue was not addressed in the district court’s pretrial order denying the motion to suppress. Thus, it is not properly before this court. *See State v. Sterling*, 782 N.W.2d 579, 581 (Minn. App. 2010) (stating that under Minn. R. Crim. P. 26.01, subd. 4, our “review is limited to the pretrial order that denied the motion to suppress”). Moreover, Peterson’s ineffective-assistance-of-counsel claim is based on his mistaken belief that the traffic stop was unlawful if the state failed to prove that his driving privileges were actually canceled at the time of the stop. As explained above, absent a showing that the officer’s reliance on the accuracy of the DVS records was unreasonable, the records provided a lawful basis for the traffic stop, regardless of their accuracy.

Affirmed.