

*This opinion is nonprecedential except as provided by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
A22-0746**

State of Minnesota,
Respondent,

vs.

Sarah Yvonne Tayborn,
Appellant.

**Filed April 10, 2023
Affirmed
Cochran, Judge**

Ramsey County District Court
File No. 62-CR-19-8776

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

Lyndsey M. Olson, St. Paul City Attorney, Amra Bašić, Assistant City Attorney, St. Paul,
Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Sharon E. Jacks, Assistant Public
Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Worke, Presiding Judge; Smith, Tracy M., Judge; and
Cochran, Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

Following a traffic stop, appellant was convicted of gross-misdemeanor third-degree driving while impaired (DWI). In this direct appeal, appellant argues that the district court erred by denying her motion to suppress evidence obtained as a result of the

stop because the stop was not supported by reasonable, articulable suspicion of a traffic violation. We affirm.

FACTS

On November 21, 2019, a St. Paul police officer initiated a traffic stop of a car traveling westbound on 7th Street in St. Paul. The officer approached the car and spoke to the driver, later identified as appellant Sarah Tayborn. While speaking with Tayborn, the officer smelled the odor of alcohol and noticed that Tayborn’s “speech was slurred and hard to understand.” Tayborn admitted to the officer that she had consumed some alcohol. After she failed field sobriety tests, she was arrested for DWI and placed into a squad car. Tayborn thereafter agreed to a preliminary breath test, but she did not provide an adequate breath sample.

Respondent State of Minnesota charged Tayborn with gross-misdemeanor second-degree DWI for refusing to submit to a breath test in violation of Minn. Stat. § 169A.20, subd. 2(1) (2018), and gross-misdemeanor third-degree DWI for operating a motor vehicle under the influence of alcohol in violation of Minn. Stat. § 169A.20, subd. 1 (2018). The charges were enhanced because Tayborn has a prior DWI conviction and license revocation from 2015.

At a contested omnibus hearing, Tayborn moved to suppress all evidence related to the traffic stop. She argued that the officer lacked reasonable, articulable suspicion to support the stop based on any traffic infraction and specifically contended that the reason provided in the officer’s police report—passing another vehicle on the right—was not unlawful. The state opposed the motion, arguing that the officer had reasonable, articulable

suspicion justifying the stop based on three separate traffic violations observed by the officer: failing to yield to oncoming traffic, crossing the centerline, and passing another vehicle on the right in an unsafe manner.

At the hearing, the district court heard testimony from the officer who conducted the traffic stop. The court also received an exhibit containing video from the officer's dashboard camera. Tayborn chose not to testify.

The officer testified that he observed the following driving conduct by Tayborn prior to the stop. First, Tayborn's car failed to yield to his car at a stop sign, "causing [him] to have to hit [his] brakes to stop from hitting [Tayborn's] vehicle." Second, he saw the wheels of Tayborn's car touch the centerline of the road as he followed the car westbound on 7th Street. Third, as he continued to follow Tayborn's car, he observed her car slow down as it approached another vehicle. That vehicle was stopped at a red light. When the light turned green, Tayborn's car veered onto the right shoulder (which was also a bus stop) and "quickly accelerated" to pass the other vehicle while driving through the intersection. After observing Tayborn's car pass the other vehicle, the officer initiated the traffic stop. During his testimony, the officer acknowledged that his police report indicated only that he stopped Tayborn for passing on the right and that it "failed to document" the other two alleged violations—failing to yield and crossing the centerline. But the officer testified that he "did see those other violations."

Following the hearing, the district court issued a written order denying Tayborn's motion to suppress. The district court determined that the officer had reasonable, articulable suspicion to conduct the traffic stop based on at least two traffic

violations: Tayborn’s failure to yield to oncoming traffic and the wheels of Tayborn’s vehicle touching the road’s centerline. As a result, the district court concluded that it did not need to consider whether the third potential traffic violation argued by the state—passing a vehicle on the right through an intersection—also justified the stop. But the district court noted in the fact section that the officer conducted the traffic stop “based upon [Tayborn] failing to properly yield to [the officer’s] car, crossing the centerline[,] and passing the stopped car on the right through the intersection.”

Tayborn thereafter waived her right to a jury trial, and the parties agreed to proceed with a court trial based on stipulated facts. The parties also agreed to submit only the third-degree DWI charge to the court, and the state dismissed the second-degree DWI charge. Based on the stipulated facts, the district court found Tayborn guilty of gross-misdemeanor third-degree DWI for operating a motor vehicle under the influence of alcohol. Tayborn appeals.

DECISION

Tayborn challenges the district court’s denial of her pretrial suppression motion. When reviewing a district court’s decision denying a motion to suppress evidence, we review its legal determinations de novo and its factual findings for clear error. *State v. Sargent*, 968 N.W.2d 32, 36 (Minn. 2021). “A factual finding is clearly erroneous if it does not have evidentiary support in the record or if it was induced by an erroneous view of the law.” *State v. Ezeka*, 946 N.W.2d 393, 403 (Minn. 2020) (quotation omitted).

Tayborn contends that the district court erred by denying her motion to suppress evidence obtained from the traffic stop because the record does not show that the officer

had the reasonable, articulable suspicion necessary to justify the stop. We therefore begin our analysis with an overview of the law governing traffic stops. We then turn to the facts of this case to determine whether the officer had the requisite basis for the stop.

The United States and Minnesota Constitutions protect individuals from “unreasonable searches and seizures” by the government. U.S. Const. amend. IV; Minn. Const. art. I, § 10. A warrantless search or seizure is generally considered unreasonable. *State v. Taylor*, 965 N.W.2d 747, 752 (Minn. 2021). And evidence discovered during an unreasonable search or seizure generally must be suppressed. *State v. Askerooth*, 681 N.W.2d 353, 370 (Minn. 2004). But police officers may conduct a brief, warrantless, investigatory stop of a motor vehicle when they have “a reasonable, articulable suspicion that criminal activity is afoot.” *Taylor*, 965 N.W.2d at 752 (quotation omitted).

“We review de novo a district court’s determination of reasonable suspicion.” *State v. Smith*, 814 N.W.2d 346, 350 (Minn. 2012). “Reasonable suspicion must be particularized and based on specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.” *Taylor*, 965 N.W.2d at 752 (quotation omitted). In order to be reasonable, the basis for suspicion must also be objective. *State v. Anderson*, 683 N.W.2d 818, 822-23 (Minn. 2004). And, to determine whether reasonable suspicion exists, courts must consider the totality of the circumstances. *Taylor*, 965 N.W.2d at 752. But “the bar for reasonable suspicion is low.” *Id.* at 758. “Reasonable suspicion requires more than a mere hunch” but “less than is necessary for probable cause.” *Id.* at 752 (quotation omitted). Generally, an officer’s

observation of a traffic violation, no matter how insignificant, establishes the reasonable suspicion necessary to conduct a traffic stop. *Anderson*, 683 N.W.2d at 823.

Tayborn argues that the district court erred by denying her motion to suppress because the record does not show that the officer had reasonable, articulable suspicion to conduct a traffic stop based on his observation of any traffic violation. Specifically, Tayborn challenges the district court's factual finding that the officer stopped Tayborn's car based on three separate traffic violations: failing to yield, crossing the centerline, and passing another car on the right in an intersection. Tayborn argues that this factual finding is clearly erroneous because the officer's police report identified only one reason for the stop—passing another car on the right. Tayborn further contends that the district court's reliance on the officer's testimony regarding the two other traffic violations was clearly erroneous because the officer did not testify that he was subjectively aware of these violations prior to the stop. Tayborn also challenges the district court's implicit determination that the officer testified credibly regarding his observation of Tayborn's driving conduct. Tayborn therefore urges us to conclude that the district court erred by denying Tayborn's motion to suppress based on its determination that the officer had reasonable, articulable suspicion to stop Tayborn for failing to yield and for veering onto the centerline of the road. We are not persuaded.

The record supports the district court's determination that the officer had reasonable, articulable suspicion to justify the traffic stop. First, video from the officer's dashboard camera supports the district court's findings that Tayborn failed to yield to the officer, that the left-side tires of her car touched the road's centerline, and that she passed

another vehicle on the right at an intersection. In other words, the district court's findings are supported by the evidence in the record. *See Ezeka*, 946 N.W.2d at 403. Second, the officer testified at the motion hearing that he "did see" all three potential violations. The district court implicitly credited that testimony, and we defer to the district court's credibility determination. *See Wilkes v. Comm'r of Pub. Safety*, 777 N.W.2d 239, 246 (Minn. App. 2010) ("[C]redibility determinations are the province of the district court."). Third, both of the noted actions relied on by the district court were traffic infractions. *See* Minn. Stat. §§ 169.20, subd. 3, .18, subds. 4(4), 7(1) (2018); *Anderson*, 683 N.W.2d at 823 (stating that an officer's observation of any traffic violation can form the basis for a traffic stop). We therefore conclude that the record shows an objective basis for the stop.

We are not persuaded otherwise by Tayborn's emphasis on the officer's failure to document two of the potential traffic violations in his police report. "An officer's failure to articulate observed violations of law as a basis for stopping a defendant is irrelevant under an objective standard." *State v. Beall*, 771 N.W.2d 41, 45 (Minn. App. 2009); *see also Taylor*, 965 N.W.2d at 755 n.5 (explaining that "the existence of reasonable, articulable suspicion is an 'objective test' and is not based on the subjective beliefs of the officer"). In *Beall*, a police officer initiated a traffic stop on the basis that the vehicle had a "brake light out." 771 N.W.2d at 42. The officer also observed littering from the vehicle but did not record littering as a reason for the stop. *Id.* The driver argued that there was no basis for the stop because his vehicle, which had three brake lights, was still equipped with two working lights and littering was not the reason for the stop. *Id.* The district court agreed and suppressed the evidence from the stop. *Id.* This court reversed, explaining that

the reasonable-suspicion standard is *objective* and concluding that both the inoperable brake light *and* the littering justified the traffic stop because both were unlawful. *Id.* at 44-45. With respect to the littering in particular, we emphasized that the officer observed the littering prior to the traffic stop. *Id.* at 45. “Therefore, even if [the officer’s] subjective basis for the stop was the nonfunctioning center brake light, the stop was also [objectively] justified based on [the officer’s] observation of littering.” *Id.* Applying that reasoning here, we conclude that the stop of Tayborn was objectively justified based on the officer’s stated observation of two traffic violations—failure to yield and veering onto the centerline—even though the officer failed to document those violations in the police report.

In sum, the officer had the requisite reasonable, articulable suspicion to initiate the traffic stop, and the district court therefore did not err by denying Tayborn’s motion to suppress the evidence obtained following the stop.

Affirmed.