

*This opinion is nonprecedential except as provided by  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  
A22-1039**

Kimberly Anne Bachman, petitioner,  
Appellant,

vs.

Commissioner of Public Safety,  
Respondent.

**Filed March 6, 2023  
Affirmed  
Cleary, Judge\***

Pine County District Court  
File No. 58-CV-21-519

Rodd Tschida, Minneapolis, Minnesota (for appellant)

Keith Ellison, Attorney General, Nicholas R. Moen, Assistant Attorney General, St. Paul,  
Minnesota (for respondent)

Considered and decided by Worke, Presiding Judge; Segal, Chief Judge; and Cleary,  
Judge.

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

## NONPRECEDENTIAL OPINION

CLEARY, Judge

Appellant Kimberly Anne Bachman challenges the district court's order sustaining the revocation of her driving privileges. Because the district court did not err in determining that the traffic stop was supported by reasonable, articulable suspicion, we affirm.

### FACTS

On the night of August 21, 2022, a trooper pulled a vehicle over for an investigatory stop after the vehicle turned without signaling. Bachman was driving the car. She was subsequently arrested for driving while impaired and her driving privileges were revoked.

Bachman petitioned for judicial review and the district court held an implied-consent hearing. At the hearing, Bachman argued that the stop was not supported by reasonable, articulable suspicion, and the trooper testified to the circumstances that led to and supported the stop.

Following the hearing, the district court sustained the revocation of Bachman's driving privileges, determining that the stop was supported by reasonable, articulable suspicion.

Bachman appeals.

### DECISION

Bachman argues that the district court erred by denying her petition to reinstate her driver's license because the stop was not supported by reasonable, articulable suspicion. This is a question of law we review de novo. *Wilkes v. Comm'r of Pub. Safety*, 777 N.W.2d 239, 242-43 (Minn. App. 2010).

Both the United States and Minnesota Constitutions prohibit unreasonable searches and seizures. U.S. Const. amend. IV; Minn. Const. art. I, § 10. However, a law enforcement officer is permitted to conduct an investigatory stop of a motor vehicle if the officer has a “particularized and objective basis” for suspecting the motorist of criminal activity. *Berge v. Comm’r of Pub. Safety*, 374 N.W.2d 730, 732 (Minn. 1985) (quoting *United States v. Cortez*, 449 U.S. 411, 417–18 (1981)). This reasonable-articulable-suspicion standard is not high but requires at least a minimal level of objective justification for making the stop. *State v. Taylor*, 965 N.W.2d 747, 755-56, 758 (Minn. 2021).

If an officer observes a violation of a traffic law, no matter how insignificant, that observation forms the requisite particularized and objective basis for conducting a traffic stop. *State v. George*, 557 N.W.2d 575, 578 (Minn. 1997). The investigatory traffic stop here was based on Bachman’s failure to signal a turn in violation of Minn. Stat. § 169.19, subd. 7 (2020), which provides:

The signals herein required shall be given either by means of the hand and arm or by a signal lamp or signal device of a type approved by the commissioner of public safety, but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible in normal sunlight, and at night both to the front and rear of such vehicle, then the signals must be given by such a lamp or device.

A review of the record indicates that the trooper had an objectively reasonable and articulable basis for the stop. The district court found that the trooper testified credibly about the stop, and we defer to the district court’s credibility determination. *See State v. Dickerson*, 481 N.W.2d 840, 843 (Minn. 1992), *aff’d*, 508 U.S. 366 (1993). The trooper’s testimony established that he had an objectively reasonable belief that Bachman committed

a traffic violation by failing to signal her turn. The trooper consistently testified that the reason for the stop was that the driver failed to signal her turn, as required by Minn. Stat. § 169.19, subd. 7. The dashcam footage confirms that Bachman used no signal. Because the threshold for reasonable suspicion is low, *Taylor*, 965 N.W.2d at 758, the trooper's testimony sufficiently supports that he observed a violation of a traffic law which formed the requisite and objective basis for a traffic stop. *See George*, 557 N.W.2d at 578. As such, we conclude that the district court did not err in determining that respondent met its burden of establishing the stop was supported by reasonable, articulable suspicion.

Relying on *Pogalz v. Miller*, Bachman asserts that, because the trooper did not articulate the absence of both a lamp signal and a hand signal, he did not have reasonable suspicion that a violation of Minn. Stat. § 169.19, subd. 7 occurred. 188 N.W.2d 877, 878 (Minn. 1971) (reasoning that Minn. Stat. § 169.19 does not prohibit the use of a hand signal at night). We are unpersuaded.

First, Bachman mischaracterizes the trooper's testimony by citing only those portions of the testimony where he refers to her failure to use the illuminated turn signal on her vehicle. In other portions of the transcript, the trooper states that he did not observe a hand signal or any other signal. The trooper specifically stated that he "didn't observe anything indicating that the vehicle was turning" and he "didn't physically see the driver at all until [he] had gotten to the window." Therefore, Bachman's argument that the trooper did not sufficiently articulate a traffic violation is unsupported by the record.<sup>1</sup>

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<sup>1</sup> Bachman also argues that the district court erred in finding that the stop was not the result of an impermissible mistake of law. *See State v. Anderson*, 683 N.W.2d 818, 820 (Minn.

Second, Bachman's argument fails on the merits. The proposition that the trooper's asserted failure to state outright that Bachman did not signal with her hand would negate his reasonable suspicion is not supported by the caselaw. It has been consistently recognized that the bar for reasonable suspicion is low. *Richards v. Wisconsin*, 520 U.S. 385, 394 (1997); *Taylor*, 965 N.W.2d at 758; *State v. Timberlake*, 744 N.W.2d 390, 393 (Minn. 2008). Moreover, the traffic violation "need not be detectable" and suspicion of a violation is sufficient. *State v. Pike*, 551 N.W.2d 919, 921-22 (Minn. 1996).

In sum, because the stop was supported by reasonable, articulable suspicion based on the trooper's observation of a traffic violation, the district court did not err by denying Bachman's petition to reinstate her driver's license.

**Affirmed.**

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2004) ("A police officer's mistaken interpretation of a statute may not establish the 'particularized and objective basis for suspecting criminal activity that is necessary to justify a stop.'"). Bachman asserts that the trooper mistakenly believed that failing to signal with the vehicle's illuminated light, alone, constitutes a violation of the traffic law. She contends that belief is a mistake of law because Minn. Stat. § 169.19, subd 7, allows drivers to signal a with their vehicle or their arm. But, as explained above, Bachman's argument fails because it relies on a mischaracterization of the trooper's testimony. No mistake of law occurred.