

*This opinion is nonprecedential except as provided by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
A24-1573**

State of Minnesota,
Respondent,

vs.

Daniel Erang Olson,
Appellant.

**Filed July 28, 2025
Affirmed
Harris, Judge**

Beltrami County District Court
File No. 04-CR-23-2655

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

David L. Hanson, Beltrami County Attorney, Symon Schindler-Syme, Assistant County Attorney, Bemidji, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Evan A. Ottaviani, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Harris, Presiding Judge; Bjorkman, Judge; and Bratvold, Judge.

NONPRECEDENTIAL OPINION

HARRIS, Judge

Appellant challenges his conviction for driving while intoxicated (DWI), arguing that the district court erroneously denied his motion to suppress evidence because the

deputy lacked reasonable, articulable suspicion to expand the scope of the traffic stop. We affirm.

FACTS

In July 2023, a deputy stopped appellant Daniel Erang Olson after discovering that Olson was driving with a suspended driver's license. Olson, who was wearing sunglasses at the time, offered the deputy his driver's license and answered his questions concerning his suspended license. Olson was not sure why his license was suspended, but he provided current auto insurance, an updated home address, and asked the deputy to double-check his license status.

After the deputy "triple-checked" that Olson's license was, in fact, suspended, the deputy asked Olson where he was going and where he had come from; Olson answered both questions. The deputy next asked, "Are you currently taking any medications at all?" Olson said no, and the deputy explained that the reason he asked was that he could see through Olson's sunglasses and noticed that his eyes were "pretty glassy" and asked if there was a reason for that. Olson replied, "No, other than it's been really sunny." The deputy asked Olson to remove his sunglasses, which he did, and the deputy noted that his eyes were red. The deputy continued questioning Olson. "Did you have any trouble sleeping last night?" Olson responded, "I sure did." The deputy then said:

My job as a traffic deputy is to make sure people are driving safe or whatnot, okay. When I see this kind of stuff you know with red and glassy eyes, I generally take about five minutes to make sure they're good to go. Alright, so I'm gonna have you step out and we're going to take about five minutes to make sure everything is ok.

The deputy had Olson perform four field sobriety tests: the horizontal gaze nystagmus test, the walk-and-turn test, the one-leg stand test, and the modified Romberg test. After Olson completed the tests, the deputy asked whether he “had any alcohol or anything like that”; Olson responded no. The deputy then explained that he specialized in detecting signs of impairment in people who recently ingested controlled substances. The deputy then asked, “When was the last time you used [meth]?” Olson replied, “Maybe a month ago.” The deputy informed him that he had enough evidence to apply for a warrant for a blood or urine sample. The deputy then placed him under arrest. The district court granted the search warrant to obtain a blood or urine sample, which later revealed a positive result for methamphetamine.

Respondent State of Minnesota charged Olson with misdemeanor driving while impaired (DWI) and misdemeanor driving after suspension under Minnesota Statutes sections 169A.20, subdivision 1(7), and 171.24, subdivision 1 (2022). In January 2024, Olson filed a motion to suppress the evidence, arguing that the deputy did not have “reasonable articulable suspicion” to expand the scope of the stop to include an investigation for driving under the influence.

In March 2024, the district court heard arguments at a contested omnibus hearing. At this hearing, the deputy testified, “I observed that [Olson’s] eyes appeared to be glassy, and I also observed sporadic, kind of like unnatural twitchy movements around the area of

his eyes.”¹ The deputy specified on cross-examination that he observed the twitches in the “corner of the eyes down towards the nose.” These observations were concerning to the deputy because, based on his prior training and experience, it could “be a sign of someone recently ingesting a controlled substance.”

The state played the deputy’s body-worn camera, and when asked whether he was “able to see [Olson] having glassy² eyes in the video,” the deputy answered, “Yes.” And when asked whether he was able to see the “unnatural [eye] movements in the video,” the deputy answered, “No” and explained that the “video quality is different from what [he] would be seeing in person.”

Following the contested omnibus hearing, the district court denied Olson’s motion to suppress the evidence. The district court determined that the deputy “observed [Olson] to have glassy, red eyes and slight muscle spasms around his eyes.” Therefore, the district court concluded that the deputy had “independent, reasonable, articulable suspicion to expand the scope of the stop.”

Olson waived his right to a jury trial and agreed to a stipulated evidence trial to preserve his suppression argument for appeal under Minnesota Rule of Criminal Procedure

¹ The deputy also testified that although Olson was wearing dark sunglasses, they were “not dark enough” that he could not see Olson’s eyes. The deputy attempted to clarify where on Olson’s eyes he saw sporadic movement. The deputy explained, “if you look at my face here, kind [of] in this kind of area.” The court characterized the deputy’s explanation as “[t]he outside of the eye level to lower level.”

² The words “glassy” and “glossy” are used interchangeably throughout the record. We use “glassy” for consistency.

26.01, subdivision 4. The state dismissed count two—driving after suspension. The parties agreed that the pretrial challenge was dispositive. The district court found Olson guilty.

Olson appeals.

DECISION

The district court did not err when it determined that law enforcement had reasonable, articulable suspicion to expand the traffic stop of Olson.

The Fourth Amendment to the United States Constitution and the Minnesota Constitution guarantee the “right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” U.S. Const. amend. IV; *see also* Minn. Const. art. I, § 10. The Fourth Amendment also protects individuals during investigative stops by police. *State v. Britton*, 604 N.W.2d 84, 87 (Minn. 2000). Generally, an officer may not seize a person in a motor vehicle without probable cause. *State v. Flowers*, 734 N.W.2d 239, 248 (Minn. 2007). But an officer may, consistent with the Fourth Amendment, briefly detain a person in a motor vehicle for purposes of a limited investigation if the officer had a reasonable, articulable suspicion that the person might be engaged in criminal activity. *State v. Diede*, 795 N.W.2d 836, 842 (Minn. 2011).

“Reasonable suspicion must be based on ‘specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.’” *State v. Davis*, 732 N.W.2d 173, 182 (Minn. 2007) (quoting *Terry v. Ohio*, 392 U.S. 1, 21 (1968)). Under this standard, the suspicion must be “something more than an unarticulated hunch.” *Id.* (quotation omitted). In each case, “the officer must be able to point to something that objectively supports the suspicion at issue.” *Id.* (quotation omitted). An

officer may also incrementally expand a stop to conduct a limited investigation “only if the officer has reasonable, articulable suspicion of such other illegal activity.” *State v. Wiegand*, 645 N.W.2d 125, 135 (Minn. 2002). Under the Minnesota Constitution, “each incremental intrusion during a traffic stop [must] be tied to and justified by one of the following: (1) the original legitimate purpose of the stop, (2) independent probable cause, or (3) reasonableness, as defined in *Terry*.” *State v. Askerooth*, 681 N.W.2d 353, 365 (Minn. 2004). We look to the totality of the circumstances to determine whether there is reasonable, articulable suspicion. *Davis*, 732 N.W.2d at 182.

Olson does not contest that the deputy had probable cause to initiate a traffic stop, nor does he contest the field sobriety tests. Instead, relying on *State v. Syhavong*, 661 N.W.2d 278, 280-81 (Minn. App. 2003), he argues that the deputy’s initial questioning about medication was not limited in scope or duration to the original purpose of the stop. We disagree.

In *Syhavong*, the officer noticed a large black bag between the passenger and the center console, observed both the driver and passenger to be “excessively nervous,” and asked whether they had “anything illegal in the car.” 661 N.W.2d at 280. We concluded that because the officer’s “question about contraband was not related in scope to the circumstances that justified the stop, the resulting detention and inquiry were unreasonable.” *Id.* at 281. Olson’s argument, while not without merit, overlooks two other methods for an officer to incrementally expand a stop: independent probable cause and reasonableness. *Askerooth*, 681 N.W.2d at 365. Here, the deputy demonstrated reasonableness in expanding the stop.

To begin, the first incremental expansion of the stop occurred when the deputy asked Olson if he was taking any medication after he observed his eyes to be “glassy.” The deputy again incrementally expanded the stop when he asked Olson to remove his sunglasses, after which he further observed red eyes, and “sporadic” and “unnatural twitchy movements around the area of his eyes.” Although this inquiry was not tied to the original purpose of the stop—a suspended driver’s license—it was a reasonable and incremental expansion to allow the deputy to investigate an objectively supported suspicion. Indeed, the deputy testified that based on his prior training and experience, glassy and red eyes and unnatural twitchy movements “can be a sign of someone recently ingesting a controlled substance.” He also told Olson, “When I see this kind of stuff[,] you know with red and glassy eyes, I generally take about five minutes to make sure they’re good to go.” The signs of intoxication were slim. Still, the deputy had reasonable, articulable suspicion to incrementally expand the traffic stop beginning with his observation of glassy eyes.

Although Olson provided the deputy with innocent and legitimate reasons for his red and glassy eyes—lack of sleep and the sun—that did not necessarily dispel the deputy’s suspicion that he *may* have ingested a controlled substance. *See State v. Taylor*, 965 N.W.2d 747, 754 (Minn. 2021) (stating “even lawful activity can serve as the basis for reasonable suspicion”).

Olson also argues that the deputy’s credibility should be questioned because his body-worn camera does not show that he observed or mentioned Olson’s facial twitches before asking if he was taking any medication. He adds that it was not until the contested omnibus hearing eight months later that he talked about facial twitches. The district court

determined that the deputy's testimony was credible. Appellate courts defer to a fact-finder's credibility determinations and do not reweigh evidence. *State v. Al-Naseer*, 788 N.W. 2d. 469, 473 (Minn. 2010). Additionally, according to the search warrant application, which was filed mere hours after Olson's arrest, the deputy wrote that he observed Olson's "eyes to be glassy and also observed *slight muscle spasms* around his eyes." (Emphasis added.) This supports the deputy's testimony about observing Olson's facial twitches. And even if the deputy did not ask Olson about his muscle spasms or mention it during the stop, the deputy still had other indicia of potential intoxication, such as glassy and red eyes. See *State v. Kier*, 678 N.W.2d 672, 678 (Minn. App. 2004) ("An officer needs only one objective indication of intoxication to constitute probable cause to believe a person is under the influence." (quotation omitted)).

Based on the deputy's observations, he possessed objectively reasonable, articulable suspicion of criminal activity sufficient to incrementally expand the scope of the traffic stop by asking Olson if he was taking any medication. Because the expansion of the stop was lawful, the district court properly denied Olson's motion to suppress evidence obtained through the field sobriety tests and the results of the urine sample.

Affirmed.