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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1744**

John Frederick Haugen, petitioner,
Appellant,

vs.

Commissioner of Public Safety,
Respondent.

**Filed September 8, 2025
Affirmed
Bond, Judge**

Hennepin County District Court
File No. 27-CV-23-11909

Steven J. Meshbesh, Meshbesh & Associates, P.A., Minneapolis, Minnesota (for appellant)

Keith Ellison, Attorney General, Eva Kendrick, Assistant Attorney General, St. Paul, Minnesota (for respondent)

Considered and decided by Slieter, Presiding Judge; Worke, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

BOND, Judge

Appellant challenges the district court's order sustaining the revocation of his driver's license. Appellant argues that the district court erred by determining that (1) the police had reasonable, articulable suspicion to stop the boat appellant was operating, (2) the

police had probable cause to arrest appellant for driving while impaired (DWI), and (3) the DataMaster DMT-G breath test (DMT) results were reliable. We affirm.

FACTS

Respondent commissioner of public safety revoked appellant John Frederick Haugen's driver's license after law enforcement stopped the boat Haugen was operating on Lake Minnetonka in July 2023 and arrested him for DWI. Haugen challenged the license revocation. The following factual summary is based on the evidence received at the implied-consent hearing.

At 11:34 p.m. on July 21, 2023, a deputy with the Hennepin County Sheriff's Office was patrolling Lake Minnetonka in a marked patrol boat. The deputy observed a boat operating on the lake about a quarter mile away with its docking lights on. The docking lights prevented the deputy from seeing the boat's red and green navigation lights, which are required to be visible at a distance of one mile pursuant to Minn. R. 6110.1200, subp. 7(A) (2023). The deputy approached the boat and conducted a traffic stop. As the deputy drew closer to the boat, he saw that the boat's red and green navigation lights, which had not been visible from a distance because of the illuminated docking lights, were on.

Haugen was in the boat's driver's seat. Haugen told the deputy that he had forgotten to turn off the docking lights after dropping off a passenger across the lake. As the deputy was speaking with Haugen, the deputy smelled an odor of alcohol and noted that Haugen had watery, bloodshot eyes and appeared "a little bit distraught." The deputy asked Haugen if he had consumed any alcohol and Haugen replied that he had a margarita and a few sips of wine earlier in the evening.

Believing that Haugen may be operating the boat while impaired, the deputy instructed Haugen to board the patrol boat to undergo field sobriety testing. The deputy first administered the horizontal gaze nystagmus (HGN) test, during which Haugen displayed each of the “six clues of impairment on the HGN,” including “involuntary jerking of the eye” and a “lack of smooth pursuit in both eyes.” The deputy then administered alphabet-recitation and backwards-counting tests, both of which Haugen successfully completed. Haugen provided a breath sample for a preliminary breath test (PBT), which showed an alcohol concentration of 0.082.

The deputy placed Haugen under arrest on suspicion of DWI and transported him to water-patrol headquarters. At headquarters, the deputy performed a mouth check and began an approximately 35-minute observation period before administering a breath test with the DMT. Haugen did not burp, belch, or vomit during the observation period. The deputy read Haugen the breath-test advisory, and Haugen ultimately agreed to take the test. The deputy prepared the DMT machine, a process that included running a successful diagnostic test. The deputy, who was a certified DMT operator and testified that the DMT’s functionality does not depend on the weather, instructed Haugen to blow into the machine with tightly sealed lips and a steady, consistent breath. Haugen provided two breath samples for the DMT, measuring alcohol concentrations of 0.083 and 0.082 respectively, giving a final DMT result of 0.08.

Both Haugen and the commissioner called expert witnesses who testified about the DMT results. Haugen’s expert, a forensic toxicology consultant, testified that based on the confidence interval used by the Minnesota Bureau of Criminal Apprehension (BCA), the

range of Haugen's alcohol concentration that night was between 0.072 and 0.092. He also opined that if the deputy had directed Haugen to stop blowing "between 1.5 and 2.9 liters . . . his breath sample would have been reported as .07," and that Haugen's potentially elevated body temperature could have increased his DMT results. Haugen's expert based his opinion on a review of the evidence in the case and studies from Germany and Alabama, which both adjust DMT results based on a subject's breath temperature.

The commissioner's expert, a forensic scientist with the BCA, testified that DMT administrators are not trained to stop a subject from blowing air when the minimum volume is measured because having a subject blow until they run out of air produces the most accurate DMT results across all subjects. The commissioner's expert agreed with the range of Haugen's alcohol concentration testified to by Haugen's expert, but explained that because the range is a bell curve, there is a 74.47% possibility that Haugen's actual alcohol concentration was more than 0.08. The expert testified that there is no correlation between body temperature and DMT results, and that the studies relied on by Haugen's expert were unreliable because they were either conducted under unnatural conditions or, in the case of the Alabama study, used a different range of measurement uncertainty than Minnesota uses. The commissioner's expert testified that the BCA's range of uncertainty already accounts for breath temperature variations.

Haugen testified that he was not feeling sick the evening of his arrest but tested positive for COVID-19 the next day. He did not take, and thus did not know, his body temperature at the time he provided the breath sample. He could not recall the outside

temperature at the time of his arrest, but he told the deputy on the ride to shore that he felt cold.

In post-hearing briefing, Haugen challenged his license revocation on the grounds that the deputy lacked both reasonable suspicion to stop the boat and probable cause to arrest Haugen for DWI. Haugen also argued that the DMT results were unreliable because he tested positive for COVID-19 the next day and could have had an elevated body temperature at the time he provided the breath sample, which, in turn, may have impacted the DMT's results.

The district court issued an order sustaining Haugen's license revocation. The district court found the deputy's testimony credible and largely corroborated by the exhibits, including the deputy's body-worn camera footage. The court determined that the deputy had reasonable suspicion to stop Haugen's boat because the boat's navigation lights were not visible at the distance required by Minn. R. 6110.1200, subp. 7(A), and that there was probable cause to arrest Haugen for DWI based on indicia of impairment including bloodshot eyes, an odor of alcohol, and nystagmus during the HGN test.

As to Haugen's challenge to the DMT results, the district court found that Haugen failed to provide any evidence that his body temperature was actually elevated when he provided the breath sample and that the outside temperature "was not hot." The court noted that Haugen's elevated body-temperature hypothesis was undermined by Haugen's testimony that he did not feel sick on the evening of his arrest and by his comment to the deputy that it had been cold out on the water. The court credited the testimony of the commissioner's expert over that of Haugen's expert and concluded that, even if Haugen's

body temperature was elevated, it would not have caused his alcohol concentration to increase.

Haugen appeals.

DECISION

Under Minnesota’s implied-consent law, when a police officer certifies that they had probable cause to believe that a driver of a motor vehicle was impaired and reports that the driver refused to take or failed a chemical test for intoxication, the commissioner must revoke the driver’s license. Minn. Stat. § 169A.52, subds. 3, 4 (2024).¹ If a driver’s license is revoked, the driver may petition for judicial review of the revocation. Minn. Stat. § 169A.53, subd. 2 (2024). Haugen challenges the district court’s order sustaining his license revocation, arguing that (1) the deputy lacked reasonable, articulable suspicion for the stop, (2) there was no probable cause to arrest, and (3) the DMT results were unreliable. We address each argument in turn.

I. The district court did not err by determining that the deputy had reasonable suspicion to stop Haugen’s boat.

Haugen first argues that the district court erred because the deputy did not have reasonable, articulable suspicion to stop Haugen’s boat. “This court reviews a district court’s determination of reasonable suspicion de novo, but accepts the district court’s factual findings unless they are clearly erroneous.” *Kruse v. Comm’r of Pub. Safety*, 906 N.W.2d 554, 557 (Minn. App. 2018). A factual finding “is not clearly erroneous if it is

¹ Under Minnesota’s DWI laws, a “motor vehicle” includes “motorboats in operation” that are not moved solely by human power. See Minn. Stat. § 169A.03, subd. 15 (2024).

reasonably supported by the evidence as a whole.” *State v. Barshaw*, 879 N.W.2d 356, 366 (Minn. 2016). We “defer to the district court’s credibility determinations and ability to weigh the evidence.” *Constans v. Comm’r of Pub. Safety*, 835 N.W.2d 518, 523 (Minn. App. 2013).

The United States and Minnesota Constitutions prohibit unreasonable searches and seizures by the government. U.S. Const. amend. IV; Minn. Const. art. I, § 10. Warrantless searches and seizures are presumptively unreasonable. *Harrison v. Comm’r of Pub. Safety*, 781 N.W.2d 918, 920 (Minn. App. 2010). However, a police officer may conduct a limited, investigatory stop without a warrant if the officer has reasonable, articulable suspicion of criminal activity. *Kruse*, 906 N.W.2d at 557. “Reasonable suspicion must be based on specific facts, and the police officer must have a particularized an[d] objective basis for suspecting the detained individual of criminal activity.” *Mesenburg v. Comm’r of Pub. Safety*, 969 N.W.2d 642, 648 (Minn. App. 2021), *rev. denied* (Minn. Mar. 15, 2022). “Generally, if an officer observes a violation of a traffic law, no matter how insignificant the traffic law, that observation forms the requisite particularized and objective basis for conducting a traffic stop.” *State v. Anderson*, 683 N.W.2d 818, 823 (Minn. 2004).

Under Minnesota law, all “motorized watercraft” must have “red and green lights . . . visible at a distance of one mile.” Minn. R. 6110.1200, subp. 7(A); *see also* Minn. Stat. § 86B.511 (2024) (stating that watercraft in use between sunset and sunrise “must carry and display the lights prescribed by the commissioner”). At the implied-consent hearing, the deputy testified that, from his distance of about a quarter mile away, he could not see the red and green navigation lights on Haugen’s boat. The district court credited the

deputy's testimony, found it to be largely corroborated by the deputy's body-worn camera, and determined that the deputy had reasonable, articulable suspicion to believe that Haugen was in violation of Minn. R. 6110.1200, subp. 7(A). Because any "violation of a traffic law, no matter how insignificant," is sufficient to support a traffic stop, the district court did not err in determining that the deputy had reasonable suspicion to stop Haugen's boat because Haugen was in violation of Minn. R. 6110.1200, subp. 7(A). *Anderson*, 683 N.W.2d at 823.

Haugen asserts that the deputy's body-worn camera footage shows that the navigation lights were visible from the deputy's boat. But the district court found the deputy's testimony that he could not see the navigation lights credible and corroborated by the other evidence, including the body-worn camera. We defer to the district court's credibility determination and its characterization of the body-worn camera footage. *See Constans*, 835 N.W.2d at 523. Furthermore, our review of the evidence, including the video evidence from the deputy's body-worn camera, leads us to conclude that the district court's findings of fact are reasonably supported by the record and are not clearly erroneous. *See State v. Rhoads*, 813 N.W.2d 880, 885 (Minn. 2012) (stating that a factual finding "is clearly erroneous when there is no reasonable evidence to support the finding or when an appellate court is left with the definite and firm conviction that a mistake occurred").

Haugen also challenges the stop on the ground that his use of the boat's docking lights was safe and reasonable under the circumstances, and he argues that the deputy was operating under "an unsupported belief that using docking lights violated Minnesota

boating regulations.” Haugen’s docking-lights arguments are unconvincing because the deputy did not stop Haugen’s boat solely based on its illuminated docking lights. Instead, the deputy stopped Haugen’s boat because its navigation lights were not visible from the required one-mile distance, a clear violation of Minn. R. 6110.1200, subp. 7(A).

Haugen also broadly asserts that the deputy’s testimony was “[i]nternally [i]nconsistent . . . about whether the docking lights entirely obscured the navigation lights and the proximity of his patrol boat when making the observation.” Haugen does not identify the specific aspects of the deputy’s testimony he believes to be inconsistent. And, as we have explained, we defer to the district court on issues of witness credibility and consistency of testimony. *See Constans*, 835 N.W.2d at 523; *Snyder v. Comm’r of Pub. Safety*, 496 N.W.2d 858, 860 (Minn. App. 1993).

Finally, Haugen argues that the stop was unjustified because his conduct was cooperative and unsuspicious. Haugen cites *Weierke v. Comm’r of Pub. Safety*, 578 N.W.2d 815 (Minn. App. 1998), for the general assertion that “lawful and reasonable behavior does not give rise to reasonable suspicion.” *Weierke* is not a reasonable-suspicion case, however, and is thus inapposite. Haugen does not identify any other authority, and we are aware of none, that supports his position that a person’s cooperative attitude invalidates a stop otherwise supported by reasonable, articulable suspicion that the person is in violation of the law.

Because Minnesota law requires a boat’s navigation lights to be visible at a distance of one mile, the deputy testified that Haugen’s navigation lights were not visible from a quarter-mile away, and the district court found the deputy’s testimony credible and

corroborated by other evidence, we conclude that the district court did not err by determining that the deputy had reasonable, articulable suspicion to stop Haugen's boat.

II. The district court did not err by concluding that the deputy had probable cause to arrest Haugen for DWI.

Haugen argues that the deputy lacked probable cause to arrest him for DWI. Whether probable cause was present is a mixed question of law and fact. *Clow v. Comm'r of Pub. Safety*, 362 N.W.2d 360, 363 (Minn. App. 1985), *rev. denied* (Minn. Apr. 26, 1985). When reviewing whether there was probable cause to arrest, we review factual determinations for clear error and the ultimate probable-cause determination de novo. *State v. Wiernasz*, 584 N.W.2d 1, 3 n.1 (Minn. 1998).

"Probable cause to arrest a person for DWI exists when the facts and circumstances available at the time of arrest reasonably warrant a prudent and cautious officer to believe that an individual was driving while under the influence." *Reeves v. Comm'r of Pub. Safety*, 751 N.W.2d 117, 120 (Minn. App. 2008). Probable cause to arrest requires more than mere suspicion, but less than the threshold necessary for a conviction. *State v. Camp*, 590 N.W.2d 115, 119 n.9 (Minn. 1999). We determine the existence of probable cause "based on an objective inquiry and [a] review of the totality of the circumstances." *Mell v. Comm'r of Pub. Safety*, 757 N.W.2d 702, 708 (Minn. App. 2008). Our duty as a reviewing court "is simply to ensure that the officer had a substantial basis for concluding that probable cause for arrest for DWI existed." *Reeves*, 751 N.W.2d at 120 (quotation omitted). To arrest a person for suspected DWI, "[a]n officer needs only one objective

indication of intoxication to constitute probable cause to believe a person is under the influence.” *State v. Kier*, 678 N.W.2d 672, 678 (Minn. App. 2004) (quotation omitted).

Here, the deputy observed several indicia of intoxication that provided probable cause to arrest Haugen for DWI. As the district court found, the deputy “observed [Haugen]’s bloodshot eyes and smelled the odor of alcohol, [Haugen] admitted he had been drinking alcohol, and [the deputy] observed nystagmus . . . in addition to [Haugen]’s PBT result measuring over .08.” The odor of alcohol and bloodshot eyes are recognized and common indicators of intoxication. *Id.* In addition, “[a]n admission of drinking, coupled with other indicators of intoxication, is sufficient for probable cause to arrest.” *State v. Laducer*, 676 N.W.2d 693, 698 (Minn. App. 2004); *see also State v. Grohoski*, 390 N.W.2d 348, 351 (Minn. App. 1986) (determining that bloodshot and watery eyes, odor of alcohol, and admission to drinking were alone sufficient to establish probable cause for DWI), *rev. denied* (Minn. Aug. 27, 1986).

We conclude that the totality of the circumstances, including the deputy’s observations of Haugen’s bloodshot eyes, the odor of alcohol, Haugen’s admission to drinking, and the PBT results, would “reasonably warrant a prudent and cautious officer to believe that [Haugen] was driving while under the influence.” *See Reeves*, 751 N.W.2d at 120. Therefore, the district court did not err when it determined that Haugen’s arrest for DWI was supported by probable cause.²

² Haugen also argues that the field sobriety tests were conducted in compromised conditions and that the PBT was “inconclusive” because it was near the legal limit of 0.08. In district court, Haugen only argued that probable cause was not present because he performed satisfactorily on the field sobriety tests and did not exhibit sufficient indicia of

III. The district court did not err by determining that the DMT results were reliable.

Finally, Haugen argues that the district court erred by finding the DMT results reliable. We review a district court's rulings on evidentiary matters for abuse of discretion. *Vondrachek v. Comm'r of Pub. Safety*, 906 N.W.2d 262, 272 (Minn. App. 2017), *rev. denied* (Minn. Feb. 28, 2018). A district court abuses its discretion when it makes findings unsupported by the evidence or misapplies the law. *Underdahl v. Comm'r of Pub. Safety (In re Comm'r of Pub. Safety)*, 735 N.W.2d 706, 711 (Minn. 2007). A district court's findings of fact "will not be set aside unless clearly erroneous." *Jasper v. Comm'r of Pub. Safety*, 642 N.W.2d 435, 440 (Minn. 2002). Findings of fact are clearly erroneous when we are "left with the definite and firm conviction that a mistake has been made." *Gergen v. Comm'r of Pub. Safety*, 548 N.W.2d 307, 309 (Minn. App. 1996) (quotations omitted), *rev. denied* (Minn. Aug. 6, 1996). "When findings of fact rest almost entirely on expert testimony, the district court's evaluation of credibility is of particular significance." *Jasper*, 642 N.W.2d at 440.

impairment. Because Haugen did not present his arguments regarding the conditions under which the field sobriety tests were conducted and the PBT results to the district court, we do not consider them. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (stating that a party may not "obtain review by raising the same general issue litigated below but under a different theory"). Even if Haugen had preserved these arguments, they would not prevail. Because an officer needs to observe "only one objective indication of intoxication to constitute probable cause" of intoxication, the deputy had sufficient probable cause to arrest Haugen for DWI even without the results of the field sobriety tests or the PBT test results. *Kier*, 678 N.W.2d at 678 (quotation omitted); *see also Laducer*, 676 N.W.2d at 698 .

“In any civil or criminal hearing or trial, the results of a breath test, when performed by a person who has been fully trained in the use of an infrared or other approved breath-testing instrument . . . are admissible in evidence” without expert testimony that the “testing instrument provides a trustworthy and reliable measure of the alcohol in the breath.” Minn. Stat. § 634.16 (2024). For a test result to be admissible, “[t]he commissioner must make a prima facie case that the test is reliable and that its administration in the particular instance conformed to the procedure necessary to ensure reliability.” *Kramer v. Comm’r of Pub. Safety*, 706 N.W.2d 231, 235 (Minn. App. 2005) (quotation omitted). “The commissioner meets his burden by showing that a certified [DMT] operator administered the test and that diagnostic checks showed that the [DMT] machine was in working order and the chemicals used were in proper condition.” *Vondrachek*, 906 N.W.2d at 272-73 (alteration in original) (quoting *Kramer*, 706 N.W.2d at 236).

Once the commissioner has established a prima facie case of reliability, the burden shifts to the driver to “produce evidence suggesting why the test was untrustworthy.” *Falaas v. Comm’r of Pub. Safety*, 388 N.W.2d 40, 42 (Minn. App. 1986). In doing so, “the driver must present some evidence beyond mere speculation that questions the trustworthiness” of the report. *Kramer*, 706 N.W.2d at 236.

Haugen does not dispute that the deputy was a certified DMT operator and that the diagnostic tests showed the DMT was in proper working order. Rather, Haugen contends, for a variety of reasons, that the DMT results were unreliable under the second step of the admissibility test. Haugen’s arguments are unavailing.

Haugen first argues that the DMT results were affected by his elevated body temperature. But Haugen produced no evidence that he had an elevated body temperature on the night of his arrest. Instead, he speculates that because it was a summer day and he tested positive for COVID-19 the following day, his body temperature could have been elevated and, if that were the case, the DMT results could have been affected. Because Haugen did not provide any evidence beyond “mere speculation” that his body temperature was elevated and the DMT results were consequently affected, the district court did not err by determining that he failed to meet his burden to show that the results were unreliable. *See id.* Moreover, even if Haugen had presented evidence of an elevated body temperature, the district court found Haugen’s expert’s testimony that the elevated temperature would have affected the results to be not credible. We must defer to that credibility determination. *Constans*, 835 N.W.2d at 523; *see also Jasper*, 642 N.W.2d at 440.

Haugen claims that, because he was instructed to blow into the machine for too long, he provided an oversized and unreliable breath sample. We have previously rejected the argument that a sample exceeding the minimum volume negates the reliability of the test results. *State v. Rader*, 597 N.W.2d 321, 324 (Minn. App. 1999) (holding that the state need not prove a defendant’s alcohol concentration is at or over the limit “at the *precise moment* the machine registers an adequate sample,” only that “the directions of the legislature [for breath testing] are followed”); *see also Brooks v. Comm’r of Pub. Safety*, 584 N.W.2d 15, 17 (Minn. App. 1998) (permitting “testing of a sample that is greater than the minimum adequate sample”), *rev. denied* (Minn. Nov. 24, 1998); *Weierke*, 578 N.W.2d at 816 (stating that testing is not required “at the precise point at which a minimum adequate

breath sample is provided”). Furthermore, while Haugen’s expert opined that the larger breath sample affected the results of the test, the commissioner’s expert opined that it did not. The district court weighed this conflicting testimony and credited the commissioner’s expert, a credibility determination to which, as already noted, we must defer. *Constans*, 835 N.W.2d at 523.

Haugen next argues that the district court should have credited the testimony of his expert, rather than that of the commissioner’s expert. But again, appellate courts defer to the district court’s evaluation of the weight and credibility of expert testimony, particularly when expert testimony conflicts. *See* Minn. R. Civ. P. 52.01 (providing that “due regard shall be given to the opportunity of the trial court to judge the credibility of the witnesses”); *Bury v. Bury*, 416 N.W.2d 133, 137 (Minn. App. 1987) (stating that “differences in the experts’ [testimony was] inescapably a credibility issue and we must defer to the trial court’s judgment”). We therefore decline Haugen’s request to reweigh the credibility of the experts.

Finally, Haugen argues that the DMT results are unreliable under the totality of the circumstances.³ The record shows that the deputy was a certified DMT operator. He properly prepared the DMT machine according to his training and successfully ran the DMT’s diagnostic testing. Haugen provided two sufficient breath samples. The commissioner’s expert, credited by the district court, testified that neither the volume of

³ Haugen also challenges the DMT results on the basis that the observation period was too short and the reading is within the margin of error. These arguments are forfeited because Haugen did not present them to the district court. *See Thiele*, 425 N.W.2d at 582.

the breath sample nor an elevated body temperature would have impacted the DMT test results. Under these circumstances, the district court did not abuse its discretion by determining that Haugen failed to provide sufficient evidence showing the DMT results were unreliable. *See Kramer*, 706 N.W.2d at 236; *Falaas*, 388 N.W.2d at 42.

In sum, we conclude that the record supports the district court's determinations that the officer had reasonable, articulable suspicion to stop Haugen's boat, that there was probable cause to arrest Haugen for DWI, and that the DMT results were sufficiently reliable. Accordingly, we affirm the district court's decision to uphold the commissioner's revocation of Haugen's driver's license.

Affirmed.