

*This opinion is nonprecedential except as provided by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
A25-0138**

State of Minnesota,
Respondent,

vs.

Phoenixx Paislee Raverty,
Appellant.

**Filed December 1, 2025
Reversed
Harris, Judge**

Nicollet County District Court
File No. 52-CR-23-157

Keith Ellison, Attorney General, Peter Magnuson, Assistant Attorney General, St. Paul, Minnesota; and

Michelle M. Fischer Zehnder, Nicollet County Attorney, St Peter, Minnesota (for respondent)

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

Considered and decided by Harris, Presiding Judge; Connolly, Judge; and Schmidt, Judge.

NONPRECEDENTIAL OPINION

HARRIS, Judge

Appellant challenges her conviction for fifth-degree drug possession, arguing that the district court erroneously denied her motion to suppress evidence because the state

trooper lacked reasonable, articulable suspicion to expand the scope of the traffic stop. Because we conclude that the record does not support that the trooper had reasonable, articulable suspicion to justify expanding the scope of the initial stop based on the totality of the circumstances, we reverse.

FACTS

Respondent State of Minnesota charged appellant Phoenixx Paislee Raverty with felony fifth-degree drug possession and misdemeanor possession of hypodermic syringes under Minnesota Statutes sections 151.40, subdivision 1, and 152.025, subdivision 2(1) (2022). Raverty moved to suppress the evidence seized during the search and to dismiss the charges for lack of probable cause, contending that the state trooper lacked a reasonable, articulable suspicion to expand the traffic stop. The facts below are derived from testimony and exhibits presented during the suppression hearing.

In April 2023, a state trooper initiated a traffic stop on Raverty and her passenger after noticing objects hanging from her car's rearview mirror. The trooper asked Raverty for her license and insurance, asked the passenger for their license, and informed Raverty that he would only issue her a warning. A few moments later, the trooper noticed a container with beer bottles in the backseat and asked both occupants, "You're not drinking any of the beer, are you?" Both occupants answered no. After running their licenses, the trooper discovered that the passenger had a drug conviction and was a sex offender; Raverty's license came back "clear." Notably, the trooper observed no indication of impairment in Raverty but believed the passenger had slurred speech. The trooper returned to Raverty's passenger-side door with the warning and explained, "Everything's good . . .

It's just a warning.” The trooper then asked, “Do you mind if I just make sure there's no open containers right in here, since those bottles are right there out in the open and stuff?”

After Raverty and the passenger exited the vehicle, the trooper began searching the car for open containers. The trooper found loose hypodermic needles in the center console. He then reached over the center console to search through Raverty's purse on the driver's seat and found more needles inside.¹ The trooper immediately stepped out of the car and told Raverty about the needles in her purse. Raverty responded, “I never gave you permission to search my . . . stuff.” The trooper later searched Raverty's car a second time and ordered a dog-sniff search of the vehicle. The trooper eventually found a small bag of methamphetamine.

In September 2023, Raverty filed a motion to suppress the evidence, arguing that the trooper did not have “reasonable articulable suspicion” to expand the scope of the stop. The district court denied Raverty's motion to suppress.

In September 2024, Raverty waived her right to a jury trial and agreed to a stipulated-evidence trial to preserve her suppression argument for appeal under Minnesota

¹ The district court noted that the trooper presumably believed that “the possession of hypodermic needles may have been illegal.” On the offense date, April 30, 2023, Minnesota Statutes section 151.40, subdivision 1, made it “unlawful for any person to possess . . . hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injections.” But in 2023, the Minnesota Legislature amended the provision by removing “possession” from subdivision 1. 2023 Minn. Laws ch. 52, art. 15, § 3. The 2023 version of section 151.40, subdivision 1, now reads: “It is unlawful for any person to manufacture or sell hypodermic syringes or needles or any instrument or implement which can be adapted for subcutaneous injection.” However, this amendment did not go into effect until August 1, 2023, after Raverty's offense date. The district court acknowledged that Raverty's “possession of hypodermic needles could be considered as a possible violation of the law, depending on the circumstances.”

Rule of Criminal Procedure 26.01, subdivision 4.² The parties agreed that the pretrial challenge was dispositive. The district court found Raverty guilty of fifth-degree possession of methamphetamine, in violation of Minnesota Statutes section 152.025, subdivision 2(1), and entered judgment of conviction and stayed imposition of the sentence. The district court did not adjudicate Raverty guilty or impose a sentence on the possession of a hypodermic needle.

Raverty appeals.

DECISION

The district court erroneously denied Raverty’s motion to suppress the evidence when it determined that the trooper had reasonable, articulable suspicion to expand the scope of the traffic stop.³

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

² The stipulated evidence included the trooper’s squad-car footage, his body-worn camera footage, and his investigative report. Both parties also stipulated that the substance found in Raverty’s purse was 0.5 grams of methamphetamine.

³ Instead of submitting a responsive brief, the state filed correspondence conceding that Raverty’s convictions should be reversed.

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. Unless an exception to the warrant requirement applies, “any evidence obtained as a result of an unreasonable search or seizure must be suppressed.” *State v. Bradley*, 908 N.W.2d 366, 369 (Minn. App. 2018). When, as here, the facts are not in dispute, we review a pretrial order on a motion to suppress evidence de novo. *State v. Williams*, 794 N.W.2d 867, 871 (Minn. 2011). This includes a district court’s legal

determination that an officer had reasonable, articulable suspicion to conduct a search or seizure. *State v. Garding*, 12 N.W.3d 697, 703 (Minn. 2024).

Raverty does not contest that the trooper had probable cause to initiate a traffic stop to investigate an equipment violation. Instead, she argues that the district court erred in determining that the trooper had a reasonable, articulable suspicion to expand the scope and duration of the traffic stop to search her car for open alcohol bottles.⁴ An officer's observation of a traffic-law violation generally creates an objective basis for stopping the car. *State v. George*, 557 N.W.2d 575, 578 (Minn. 1997). The investigative stop "must be temporary and last no longer than is necessary to effectuate the purpose of the stop." *Wiegand*, 645 N.W.2d at 135 (quoting *Florida v. Royer*, 460 U.S. 491, 500 (1983)). But "any expansion of the scope or duration of a traffic stop must be justified by a reasonable articulable suspicion of other criminal activity." *State v. Fort*, 660 N.W.2d 415, 419 (Minn. 2003).

A recent case from this court, *State v. Babineau*, 23 N.W.3d 396 (Minn. App. 2025), is particularly instructive. There, officers stopped appellant's car for an equipment violation. *Id.* at 402. The officers did not observe signs of impairment in the driver or

⁴ Additionally, Raverty argues that the district court erred because (1) the trooper lacked reasonable, articulable suspicion to investigate the passenger and to request a search of her car for open beer bottles, (2) the search of her car for open containers was pretextual for a drug investigation, (3) she did not freely and voluntarily consent to the trooper's search of her car, (4) even if she did consent, the trooper exceeded the scope of that consent, (5) the trooper lacked probable cause to search her purse for needles, and (6) the trooper lacked probable cause to request a dog-sniff search of her car. Because we conclude that the trooper unlawfully expanded the scope and duration of the traffic stop, we need not address these arguments in this opinion.

anything illegal in the car. *Id.* at 403. When the officers returned to their squad car, one officer informed the other that he thought he may have smelled marijuana in the car. *Id.* The other officer reapproached the car and questioned appellant about the odor of marijuana. *Id.* We concluded that this expanded the scope of the initial equipment-violation stop. *Id.* at 405-06 (citing *Fort*, 660 N.W.2d at 419) (concluding that “investigative questioning” related to weapons and narcotics expanded the scope of a traffic stop).

Like in *Babineau*, the initial stop of Raverty’s car was unrelated to the trooper’s questions about open containers or other substance-related crimes; it was for objects hanging in the rearview mirror. Similar to *Babineau*, the trooper approached Raverty and the passenger, inquired about the hanging objects and the cooler of beer bottles in the back seat, and returned to his squad car to investigate both occupants. Similarly, the trooper observed no signs of impairment in Raverty. He reapproached the car to issue a warning and return their drivers’ licenses. At this point, the investigative stop should have ended. Indeed, the district court found that under these circumstances, a warning ticket would typically result in the conclusion of the investigative stop and the driver would be allowed to leave. However, the trooper then asked both occupants to exit the car so that he could ensure there were no open containers. Although the trooper observed the cooler of beer bottles during the initial stop, he did not initiate an investigation into the open containers until after the initial stop for hanging objects. Therefore, the trooper’s questioning of Raverty and the passenger about other open containers and asking them to exit the car

expanded the scope of the hanging-objects traffic violation. *See Babineau*, 23 N.W.3d at 406.

Having determined that the trooper expanded the scope of the traffic stop, the next question is whether that expansion was supported by reasonable, articulable suspicion of additional criminal activity. *See State v. Smith*, 814 N.W.2d 346, 350 (Minn. 2012). An officer's subjective good-faith belief that criminal activity is afoot is not enough; rather, we must "examine whether the suspicion was objectively reasonable." *Britton*, 604 N.W.2d at 88. Further, an officer's detection of an odor of alcohol coming from a passenger during a traffic stop does not, by itself, provide a reasonable, articulable suspicion of an open-container violation sufficient to permit an officer to expand the traffic stop by requesting to search the vehicle. *State v. Burbach*, 706 N.W.2d 484, 489 (Minn. 2005).

In *State v. Taylor*, 965 N.W.2d 747, 750 (Minn. 2021), a deputy pulled over the defendant after noticing his truck had no front license plate and the back license plate was covered in snow. When the deputy approached the vehicle, he observed a case of beer in the backseat that was missing cans and had the flap open. *Id.* The deputy then learned that Taylor's driver's license was cancelled inimical to public safety, which the deputy knew too often to be due to repeated impaired-driving-while-intoxicated driving violations. *Id.* The supreme court concluded that the officer had reasonable, articulable suspicion after he observed an opened beer can that was within arm's reach of the driver, noticed other beer cans missing from the case, and discovered that appellant's license was canceled as inimical to public safety. *Id.* at 753-54. The supreme court recognized that these facts,

though lawful, are “relevant to the determination of reasonable suspicion.” *Id.* at 754. The supreme court added that the reasonable-suspicion standard is a “low hurdle,” but it requires more than a “mere hunch.” *Id.* at 752, 757 (quotation omitted). It may even arise without any physical indicia of impairment if “other factors” sufficiently suggest a driver is impaired. *Id.* at 758. But the absence of such indicia is part of the totality of the circumstances for a court to consider in determining whether it is objectively reasonable to suspect impaired driving. *Id.*

Here, the only fact supporting the trooper’s suspicion of potential criminal activity was the cooler of beer in the back seat and the passenger’s “somewhat slurred words.” The trooper did not notice any indications of drug use or any furtive movements by Raverty and observed no odor of alcohol emanating from the car or either occupant. Moreover, both occupants denied drinking and there was no indication that the beer bottles were recently opened. *See State v. Dickerson*, 481 N.W.2d 840, 843 (Minn. 1992) (stating that evasive conduct may amount to reasonable suspicion). Based on the totality of these circumstances, the trooper did not have reasonable, articulable suspicion to justify expanding the scope of the initial stop to include an open-container investigation.

Because we conclude that the record does not support reasonable, articulable suspicion to expand the traffic stop, the district court erred in denying Raverty’s motion to suppress. And because the parties agreed that the ruling on the suppression motion was dispositive under rule 26.01, subdivision 4, we reverse Raverty’s conviction for fifth-degree drug possession.

Reversed.