

*This opinion is nonprecedential except as provided by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
A25-0347**

State of Minnesota,
Respondent,

vs.

Michael Leroy Smalley, Jr.,
Appellant.

**Filed January 26, 2026
Affirmed
Jesson, Judge***

Hennepin County District Court
File No. 27-CR-24-6559

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

Mary F. Moriarty, Hennepin County Attorney, Matthew D. Hough, Assistant County Attorney, Minneapolis, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Davi Axelson, Assistant Public Defender, St. Paul, Minnesota (for appellant)

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

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

NONPRECEDENTIAL OPINION

JESSON, Judge

Appellant Michael Leroy Smalley, Jr. was convicted of first-degree driving while impaired (DWI). He argues that the district court erred in denying his motion to suppress the evidence and dismiss the charge because he was unlawfully stopped for speeding. He asserts that the stop was unlawful because the officers who did so relied solely on their visual observations and therefore did not have a reasonable, articulable suspicion that he was speeding. Because officers' visual observations can support a reasonable, articulable suspicion of speeding, we affirm.

FACTS

On March 21, 2024, at about 1:35 a.m., police officer A and police officer B were driving on Lyndale Avenue in Minneapolis when they observed a car driving in the opposite direction at a speed over the posted limit. The officers made a U-turn and followed the car, which slowed down, pulled over, and stopped. The officers pulled up behind the car, and, when the officer who was driving observed the handle of the driver's door start to move, he turned on the emergency lights. Officer A observed that the driver's eyes were bloodshot and watery, and he smelled of alcoholic beverages; Officer B saw an open bottle of an alcoholic beverage under the legs of the front-seat passenger in the vehicle.

The driver was identified as Smalley. Smalley was charged with DWI—refusal to submit to chemical test, breath or test refusal or failure, in violation of Minnesota Statutes section 169A.20, subdivision 2 (1) (2022). Smalley moved to suppress the evidence

obtained during his illegal seizure on the ground that the officers lacked a reasonable, articulable suspicion of criminal activity to justify the stop.

Both officers testified at the hearing on Smalley's motion. Based on their testimony, the district court noted that: (1) they observed Smalley's car travelling faster than the other cars on the road and passing stationary objects at a faster speed; (2) they have on-the-job training, and (3) Officer B had specific training on visual observation of speeding. And the court stated that it found the officers "testified credibly," that nothing in the video of the incident negated their testimony, and that "the officers' testimony in and of itself, if believed, which I do, is sufficient for the stop." The court then denied Smalley's motion.

Smalley waived his right to a jury trial and agreed to a trial on stipulated evidence. He was found guilty of the charge and was sentenced to the presumptive 75 months in prison.

Smalley appeals, challenging the denial of his motion to suppress the evidence.

DECISION

A district court's determination of reasonable suspicion of criminal activity is reviewed de novo. *State v. Smith*, 814 N.W.2d 346, 350 (Minn. 2012). "We evaluate whether a reasonable, articulable suspicion exists from the perspective of a trained police officer, who may make 'inferences and deductions that might well elude an untrained person.'" *State v. Lemert*, 843 N.W.2d 227, 230 (Minn. 2014) (quoting *United States v. Cortez*, 449 U.S. 411, 418 (1981)). In reviewing a district court's determination of whether a warrantless search or seizure was justified, appellate courts

review the district court’s factual findings for clear error and its legal conclusions de novo. *State v. Stavish*, 868 N.W.2d 670, 677 (Minn. 2015).

Smalley argues that the officers’ “visual speed estimation . . . did not create a reasonable, articulable suspicion of criminal activity justifying a traffic stop.” This court has refuted that argument in two precedential opinions. In *State v. Ali*, the appellant argued that an officer’s “visual speed estimation [was] insufficient to establish that he was speeding.” 679 N.W.2d 359 (Minn. App. 2004). This court “conclude[d] that [the officer’s] visual estimate of appellant’s speed was alone sufficient to support his conviction for speeding.” *Id.* at 368. A conviction requires proof beyond a reasonable doubt; if a visual estimate of a driver’s speed is sufficient to support a conviction, it is sufficient to meet the reasonable-suspicion-of-criminal-activity standard required for a stop. *See State v. Beganovic*, 991 N.W.2d 638, 651-52 (Minn. 2023) (contrasting the question “whether police had a reasonable suspicion that a suspect was engaged in criminal activity” with the question “whether the State had proved beyond a reasonable doubt” that the suspect had violated the relevant statute (emphasis omitted)).

Further, in *Sazenski v. Commissioner of Public Safety*, 368 N.W.2d 408, 409 (Minn. App. 1985), an officer who had received training in estimation of traffic speed testified that he estimated a passing car was traveling 20-to-30 miles an hour over the posted limit. After observing that “the legality of a stop . . . is whether the police had a particularized and objective basis for suspecting the driver . . . of criminal activity,” this court noted that the record “amply support[ed] the [district] court’s determination that the stop was proper.” *Sazenski*, 368 N.W.2d at 409 (quotation and citation omitted). In sum, Minnesota

precedential cases have held that an officer's visual speed estimate is sufficient to justify a stop. No precedential case has held otherwise.¹

Giving deference to the district court's credibility determinations, as we must, we conclude that there was no error in its decision that the officers who saw Smalley's vehicle speeding had a reasonable, articulable suspicion of criminal activity when they stopped him.

Affirmed.

¹Nonprecedential cases have also applied the holdings of *Ali* and *Sazenski*: *See, e.g., State v. Baas*, No. A22-0190, 2022 WL 17574952, at *2 (Minn. App. Dec. 12, 2022) (“In contrast [to the reasonable suspicion standard required for a traffic stop], to sustain a conviction for speeding, the evidence must be proved beyond a reasonable doubt”); *State v. Miller*, No. A17-0398, 2017 WL 3469538, at *2 (Minn. App. Aug. 14, 2017) (“[T]his court has upheld an investigatory stop based on an officer's observation of a speeding vehicle and visual estimate of an excessive speed.”), *rev. denied* (Minn. Oct. 17, 2017); *State v. Smith*, No. A15-1694, 2016 WL 6141616, at *3 (Minn. App. Oct. 24, 2016) (“[W]e have held that a law enforcement officer's visual estimation of a driver's excessive speed is sufficient to support a traffic stop.”); *State v. Branson*, A07-0987, 2008 WL 2796589, at *2 (Minn. App. July 22, 2008) (stating that a finding that a deputy had “visually gauged the speed of travel for both snowmobiles at approximately thirty (30) miles per hour” was “amply supported by the record and . . . legally sufficient to justify the stop” (quotation omitted)), *rev. denied*, (Minn. Oct. 1, 2008); *State v. Johnson*, No. A06-933, 2007 WL 1674173, at *3 (Minn. App. Jun. 17, 2007) (upholding finding that deputy had a reasonable, articulable basis for stopping the defendant's car because of the deputy's visual observation that the defendant was exceeding the speed limit”); *State v. Gaard*, No. C8-03-10, 2003 WL 22177251, at *2 (Minn. App. Sept. 23, 2003) (“Based on his visual observations alone, the officer had a specific and articulable suspicion that appellant was speeding.”).