

*This opinion is nonprecedential except as provided by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
A25-0464**

State of Minnesota,
Appellant,

vs.

Reed Sullivan Klatt,
Respondent.

**Filed September 8, 2025
Reversed and remanded
Worke, Judge**

Carver County District Court
File No. 10-CR-24-503

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

Mark Metz, Carver County Attorney, Jeffrey D. Albright, Assistant County Attorney,
Chaska, Minnesota (for appellant)

Charles R. Rooney, Halberg Criminal Defense, Bloomington, Minnesota (for respondent)

Considered and decided by Worke, Presiding Judge; Johnson, Judge; and Reyes,
Judge.

NONPRECEDENTIAL OPINION

WORKE, Judge

In this pretrial appeal, the state challenges the district court's order suppressing evidence obtained after a sheriff's deputy stopped respondent's vehicle. Because we

conclude that the deputy had reasonable suspicion justifying an expansion of the traffic stop, we reverse and remand.

FACTS

The following facts were elicited at a contested-omnibus hearing. In May 2024, a sheriff's deputy on patrol stopped a vehicle with an inoperable taillight. As the deputy approached the vehicle, he recognized the driver as respondent Reed Sullivan Klatt, based on prior interactions.

The deputy's first interaction with Klatt occurred in December 2023 when Klatt was the complainant in an unrelated matter and the deputy met with him as part of his investigation. The deputy testified that, during the meeting, Klatt's "eyes were clear and his manners were calm, and [the deputy] did not observe any signs of impairment."

The deputy's second interaction with Klatt occurred in February 2024. The deputy testified that, during this encounter, he "observed a change in behavior from the first time that [he] saw [Klatt]." He testified that Klatt's "eyes were bloodshot and watery" and that Klatt was "kind of in an excited state." During the conversation, Klatt admitted that he uses alcohol and cannabis and "stated that he would not stop."

The deputy testified that, when he approached Klatt's vehicle during the May traffic stop, he did not immediately observe any alcohol containers or drug paraphernalia, did not detect the smell of alcohol or marijuana, and did not observe any visible smoke. But he testified that, upon speaking with Klatt, the deputy "immediately recognized that his eyes were bloodshot and watery and that his pupils were dilated." The deputy explained that, in response to the light from his flashlight, Klatt's pupils did not restrict and remained

instead “more dilated than [he] would expect normally.” The deputy testified that he suspected Klatt was impaired based on his dilated pupils, his bloodshot and watery eyes, and his prior knowledge that Klatt used drugs and alcohol.

The deputy asked Klatt to step out of the vehicle and observed that Klatt’s “balance and coordination seemed fine.” Klatt submitted to field sobriety testing during which the deputy observed additional signs of impairment. The deputy placed Klatt under arrest and searched his vehicle. Inside Klatt’s vehicle, the deputy found several open alcohol containers.

Appellant State of Minnesota charged Klatt with underage drinking and driving and violating the open-bottle law. The district court granted Klatt’s motion to suppress, concluding that the deputy unlawfully expanded the traffic stop into a driving while impaired (DWI) investigation because “the [d]eputy’s observation of [Klatt] with bloodshot and watery eyes, and dilated pupils, [was] insufficient to provide reasonable [articulable] suspicion of intoxication,” and that the deputy’s prior interactions with Klatt did not support such a suspicion.

This appeal followed.

DECISION

Critical impact

To successfully challenge a pretrial suppression order, the state “must clearly and unequivocally show both that the [district] court’s order will have a critical impact on the state’s ability to prosecute the defendant successfully and that the order constituted error.” *State v. Zanter*, 535 N.W.2d 624, 630 (Minn. 1995) (quotation omitted). The state can

show critical impact when “excluding the evidence completely destroys the state’s case” or “significantly reduces the likelihood of a successful prosecution.” *State v. McLeod*, 705 N.W.2d 776, 784 (Minn. 2005) (quotation omitted).

To prove the underage drinking and driving charges against Klatt, the state needs evidence that Klatt was driving, operating, or in physical control of a motor vehicle after consuming alcohol. Minn. Stat. § 169A.33, subd. 2 (2022). To prove the open-bottle violation, the state needs evidence that Klatt was in his vehicle while in possession of an open alcohol container. Minn. Stat. § 169A.35, subd. 3 (2022).

Because the district court suppressed all evidence obtained from the deputy’s expansion of the traffic stop, including Klatt’s chemical test and open alcohol containers, we conclude that the district court’s suppression order critically impacts the state’s ability to prosecute Klatt.

Motion to suppress

“When reviewing a district court’s pretrial order on a motion to suppress evidence, [appellate courts] review the district court’s factual findings under a clearly erroneous standard and the district court’s legal determinations de novo.” *State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008) (quotation omitted). A district court’s determination of reasonable suspicion of illegal activity is a legal determination that appellate courts review de novo. *State v. Smith*, 814 N.W.2d 346, 350 (Minn. 2012). This court accepts a “district court’s factual findings unless they are clearly erroneous,” *id.*, but “may independently review facts that are not in dispute.” *Gauster*, 752 N.W.2d at 502.

“The United States and Minnesota Constitutions prohibit unreasonable searches and seizures.” *State v. Taylor*, 965 N.W.2d 747, 752 (Minn. 2021) (citing U.S. Const. amend. IV; Minn. Const. art. I, § 10). Generally, evidence obtained during an unconstitutional search or seizure must be suppressed. *State v. Jackson*, 742 N.W.2d 163, 177-78 (Minn. 2007).

“Warrantless searches and seizures are generally unreasonable,” *Taylor*, 965 N.W.2d at 752, but a law enforcement officer may “conduct a brief investigatory stop if they have reasonable, articulable suspicion that ‘criminal activity may be afoot.’” *Birkland v. Comm’r of Pub. Safety*, 940 N.W.2d 822, 825 (Minn. App. 2020) (quoting *Terry v. Ohio*, 392 U.S. 1, 30 (1968)).

“An officer seeking to expand the duration or scope of the traffic stop beyond its original justification may only do so if he or she had a particularized and objective basis for suspecting the seized person of criminal activity.” *State v. Sargent*, 968 N.W.2d 32, 38 (Minn. 2021) (quotation omitted). “[E]ach incremental intrusion . . . [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) reasonable suspicion as defined by *Terry*.” *State v. Askerooth*, 681 N.W.2d 353, 365 (Minn. 2004).

Here, the state argues that reasonable suspicion supported the expansion of the traffic stop. “Reasonable suspicion must be particularized and based on specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.” *Taylor*, 965 N.W.2d at 752 (quotation omitted). The reasonable-

suspicion standard is “not high,” but requires more than a mere “hunch of criminal activity.” *State v. Timberlake*, 744 N.W.2d 390, 393 (Minn. 2008) (quotations omitted).

In determining whether the reasonable-suspicion standard is met, this court weighs the totality of the circumstances. *Taylor*, 965 N.W.2d at 752. This court may consider “the officer’s experience, general knowledge, and observations; background information, including the nature of the offense suspected and the time and location of the seizure; and anything else that is relevant.” *State v. Klamar*, 823 N.W.2d 687, 691 (Minn. App. 2012).

The state argues that the deputy justifiably expanded the traffic stop because Klatt’s dilated pupils and bloodshot and watery eyes constituted two indicia of impairment, and two indicia of impairment are sufficient to support a reasonable suspicion.¹ We agree.

In *Klamar*, a trooper pulled behind a vehicle stopped on the shoulder of the freeway. *Id.* at 690. After asking the driver to step out of the vehicle, the trooper “noticed an odor of alcohol emanating from [the driver] and that [the driver]’s eyes were bloodshot and watery.” *Id.* The trooper expanded the scope of the stop and conducted a DWI investigation. *Id.* The investigation indicated that the driver was intoxicated, and she was charged with DWI. *Id.* The district court determined that the trooper did not have reasonable suspicion to expand the stop and dismissed the charge. *Id.* We reversed, concluding that “[t]he trooper’s observation of two indicia of intoxication specific to [the

¹ In opposing the suppression motion in district court, the state argued that dilated pupils, bloodshot eyes, and watery eyes constitute three distinct indicia of impairment. The state does not make that assertion on appeal, and instead describes “bloodshot and watery eyes” as a single indicium.

driver] reasonably justified further intrusions in the form of field sobriety and preliminary breath testing.” *Id.* at 696.

Here, as in *Klamar*, the deputy observed two indicia of impairment specific to Klatt: dilated pupils and bloodshot and watery eyes. But the district court noted that, although the deputy observed those two indicia, he observed “no others” and pointed out that the deputy did not observe Klatt slurring his speech or exhibiting an unsteady gait, and did not observe an odor of alcohol or marijuana. The district court concluded that, in the totality of the circumstances, the indicia that did indicate that Klatt was impaired were “rather weak” because “the *majority* of the circumstances . . . did not indicate [that Klatt] was impaired.” (Emphasis added.)

The district court’s analysis was incorrect. Reasonable suspicion does not require that an officer observe a driver exhibiting a majority of the known indicia of impairment. In this case, the deputy observed Klatt with dilated pupils and bloodshot and watery eyes. Consistent with our decision in *Klamar*, his observations provided an “independent basis” of suspicion that justified expansion of the traffic stop. Moreover, in the context of the more-demanding probable-cause standard, we have said that the absence of certain indicia does not invalidate or negate the existence of other indica. *See, e.g., State v. Prax*, 686 N.W.2d 45, 49 (Minn. App. 2004) (concluding that driver “perform[ing] well” on field sobriety tests did not negate other indicia of impairment supporting probable cause), *rev. denied* (Minn. Dec. 14, 2004); *State v. Grohoski*, 390 N.W.2d 348, 351 (Minn. App. 1986) (concluding that district court “improperly focused on the absence of other indicia of

intoxication” because a “DWI suspect need not exhibit every known sign of intoxication in order to support a determination of probable cause”), *rev. denied* (Minn. Aug. 27, 1986).

Because the deputy observed Klatt exhibiting two indicia of impairment, we conclude that the district court erred in determining that the deputy lacked reasonable suspicion justifying the expansion of the traffic stop.

Reversed and remanded.