

*This opinion is nonprecedential except as provided by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
A25-0488**

State of Minnesota,
Appellant,

vs.

Jacquelin Carreno,
Respondent.

**Filed October 13, 2025
Reversed and remanded
Slieter, Judge**

Kandiyohi County District Court
File No. 34-CR-24-653

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

Shane D. Baker, Kandiyohi County Attorney, Willmar, Minnesota (for appellant)

Anders J. Erickson, Johnson Erickson Criminal Defense, Minneapolis, Minnesota (for respondent)

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

NONPRECEDENTIAL OPINION

SLIETER, Judge

In appellant State of Minnesota’s pretrial appeal from the district court’s order suppressing the state’s evidence against respondent and dismissing driving-while-impaired (DWI) charges, the state argues that the district court erred when it concluded that the

officer impermissibly expanded the scope of a traffic stop to include a DWI investigation. Because the officer had reasonable, articulable suspicion to expand the scope of the traffic stop into a DWI investigation, we reverse and remand.

FACTS

In September 2024, the state charged respondent Jacquelin Carreno with driving while impaired in violation of Minn. Stat. § 169A.20, subd. 1(1) (2024); driving while impaired with an alcohol concentration of 0.08 within two hours in violation of Minn. Stat. § 169A.20, subd. 1(5) (2024); and failing to drive in a single lane in violation of Minn. Stat. § 169.18, subd. 7(1) (2024). The following facts derive from the contested omnibus hearing.

On September 22, at approximately 2:00 a.m., an officer was traveling southbound on Highway 23 in Spicer when she observed a gray Ford Explorer weaving within its lane and, at times, the tires touching the fog and center lines. The vehicle was averaging 55 miles per hour in a 65-mile-per-hour zone. The officer initiated a traffic stop. When the officer approached the passenger side of the vehicle, she identified Carreno as the driver and observed a front-seat passenger. After the passenger-side window opened, the officer observed “a very strong odor of alcohol -- or an alcoholic beverage coming from the vehicle.” Carreno explained to the officer that she and the passenger were traveling from a local bar and restaurant. The officer asked Carreno how much alcohol she had consumed, and Carreno replied that she had one drink at the bar.

The officer ran Carreno’s driver’s license information in her patrol car. Upon returning to the vehicle, the officer approached the driver’s side and requested that Carreno

exit the vehicle to complete field sobriety tests. Carreno agreed to complete the tests. The officer administered three different field sobriety tests and determined that Carreno demonstrated indicators of impairment on each test. The officer then requested that Carreno complete a preliminary breath test, to which Carreno agreed. The officer placed Carreno under arrest for probable cause that she was driving while impaired.

Following an omnibus hearing, the district court issued an order suppressing the evidence obtained from the expansion of the stop, due to an unlawful expansion of the initial traffic stop, and dismissing the DWI counts.¹ The district court reasoned that, at the time the officer expanded the stop by asking Carreno if she drank any alcohol and to exit the vehicle to submit to field sobriety testing, the officer was unable to identify the source of the alcohol odor between Carreno and her passenger. The district court therefore concluded that the officer unlawfully expanded the stop to investigate if Carreno was driving while impaired.

The state appeals.

DECISION

“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

¹ The officer’s report was admitted as an exhibit at the omnibus hearing. The report indicated that Carreno provided a breath sample for a DataMaster DMT test at the jail, which resulted in an alcohol-concentration reading of 0.10. However, that test is not part of the record on appeal.

reasonable suspicion of illegal activity is a legal determination that this court reviews *de novo*. *State v. Smith*, 814 N.W.2d 346, 350 (Minn. 2012). Appellate courts accept a district court’s factual findings unless they are clearly erroneous. *Id.*

When appealing 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). Here, the DWI charges against Carreno are based entirely on the evidence that the district court’s order suppressed, and Carreno concedes that the state has satisfied the critical-impact requirement. Thus, we turn to the merits of the suppression issue.

Before the district court, the parties stipulated that the officer had a legal basis to conduct the traffic stop based upon Carreno’s failure to drive in a single lane. The primary issue before us is whether the officer lawfully expanded the stop when she investigated Carreno for driving while impaired. The state argues that the district court erred when it concluded that the expansion was not supported by reasonable suspicion of driving while impaired. A determination as to the existence of reasonable, articulable suspicion is reviewed *de novo*. *State v. Thiel*, 846 N.W.2d 605, 610 (Minn. App. 2014), *rev. denied* (Minn. Aug. 5, 2014).

The United States and Minnesota Constitutions prohibit unreasonable searches and seizures. U.S. Const. amend. IV; Minn. Const. art. I, § 10. Temporary detention of an individual during a traffic stop is a seizure. *Thiel*, 846 N.W.2d at 610.

As noted, the parties do not dispute that the initial traffic stop was justified. But “[a]n initially valid stop may become invalid if it becomes intolerable in its intensity or scope.” *State v. Askerooth*, 681 N.W.2d 353, 364 (Minn. 2004) (quotation omitted). “An intrusion not closely related to the initial justification for the search or seizure is invalid under article I, section 10 [of the Minnesota Constitution] unless there is independent probable cause or reasonableness to justify that particular intrusion.” *Id.* To be reasonable, the basis of the officer’s suspicion must satisfy “an objective, totality-of-the-circumstances test.” *Smith*, 814 N.W.2d at 351. This test asks whether “the facts available to the officer at the moment of the seizure [would] ‘warrant a man of reasonable caution in the belief’ that the action taken was appropriate.” *Askerooth*, 681 N.W.2d at 364 (quoting *Terry v. Ohio*, 392 U.S. 1, 21-22 (1968)). The test for appropriateness, in turn, is based on a “balancing of the government’s need to search or seize and the individual’s right to personal security free from arbitrary interference by law officers.” *State v. Burbach*, 706 N.W.2d 484, 488 (Minn. 2005) (quotation omitted); *see also State v. Henning*, 666 N.W.2d 379, 384 (Minn. 2003). The factors we may consider when applying this test include “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).

Although the reasonable-suspicion standard is “less demanding than probable cause or a preponderance of the evidence,” it still “requires at least a minimal level of objective justification.” *State v. Timberlake*, 744 N.W.2d 390, 393 (Minn. 2008) (quoting *Illinois v. Wardlow*, 528 U.S. 119, 123 (2000)); *see also State v. Davis*, 732 N.W.2d 173, 182 (Minn.

2007) (explaining that reasonable suspicion must be “something more than an unarticulated hunch” (quotations omitted)). Additionally, “the basis for the intrusion must be individualized to the person toward whom” the police officer directs the intrusion. *Askerooth*, 681 N.W.2d at 365.

Here, the parties dispute the officer’s expansion of the vehicle stop to questioning her about her alcohol consumption. Therefore, the issue we must resolve is whether any expansion was reasonable. The following circumstances were observed by the officer at the time of the expansion: (1) Carreno’s vehicle weaving within its lane; (2) Carreno’s vehicle crossing both the center and fog line; (3) Carreno’s vehicle traveling at 2:00 a.m., shortly after a local bar closed; (4) Carreno’s vehicle moving at ten miles under the speed limit; and (5) a strong odor of alcohol emanating from the vehicle. The officer testified that these circumstances led her to believe that Carreno may be driving while impaired and, hence, to further investigate.

We conclude that, under the totality of the circumstances, a reasonable person in the officer’s position would believe that expanding the seizure to investigate Carreno for driving while impaired was lawful. *See Klamar*, 823 N.W.2d at 696 (concluding that officer’s observations of odor of alcohol emanating from vehicle, coupled with other circumstances indicating that driver may be impaired, is sufficient to justify further intrusions); *see also State v. Vonderharr*, 733 N.W.2d 847, 854 (Minn. App. 2007). The officer’s observation of multiple indicia of intoxication reasonably justified further intrusion in the form of inquiring about Carreno’s alcohol consumption. Because the officer had independent, reasonable suspicion to expand the seizure, it was a

constitutionally valid seizure. We therefore reverse the district court's suppression of the evidence and remand for further proceedings.

Reversed and remanded.