

*This opinion is nonprecedential except as provided by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
A25-0630**

State of Minnesota,
Respondent,

vs.

Joshua Horst Wurzbacher,
Appellant.

**Filed May 26, 2026
Affirmed
Cochran, Judge**

McLeod County District Court
File No. 43-CR-24-1029

Keith Ellison, Attorney General, Lisa Lodin, Assistant Attorney General, St. Paul, Minnesota; and

Ryan Hansch, McLeod County Attorney, Glencoe, Minnesota (for respondent)

Cathryn Middlebrook, Chief Appellate Public Defender, Benjamin J. Butler, Assistant Public Defender, St. Paul, Minnesota (for appellant)

Considered and decided by Cochran, Presiding Judge; Larkin, Judge; and Rasmusson, Judge.

NONPRECEDENTIAL OPINION

COCHRAN, Judge

On appeal from his convictions for impaired driving and fleeing a peace officer in a motor vehicle, appellant argues that the district court erred by denying his motion to suppress evidence discovered by law enforcement during a traffic stop of his vehicle.

Because the officer had a reasonable, articulable suspicion that appellant committed a traffic violation before initiating the traffic stop, we affirm the district court's denial of appellant's motion to suppress the evidence.

FACTS

Following a traffic stop, respondent State of Minnesota charged appellant Joshua Horst Wurzbacher with fleeing a peace officer in a motor vehicle in violation of Minnesota Statutes section 609.487, subdivision 3 (2022). The state alleged that, on July 18, 2024, at approximately 11:00 p.m., a sheriff's deputy was on patrol in McLeod County. According to the complaint, the officer saw a vehicle turn onto the eastbound lane of a highway without stopping for a stop sign. The deputy attempted to stop the vehicle but, according to the state, Wurzbacher "rapidly accelerated" away from the deputy, fled to a building, and ran inside where he was ultimately arrested. The complaint stated that Wurzbacher was held at the county jail and was later taken to a detoxification facility.

Wurzbacher moved to suppress the evidence "discovered as the result of an unlawful [traffic] stop" and to dismiss the complaint. The district court held a contested evidentiary hearing on the motion at which it heard testimony from the McLeod County sheriff's deputy who conducted the traffic stop. No other witnesses testified. The district court received two exhibits: (1) video footage from the deputy's squad-car video, which captured about one and a half minutes of Wurzbacher's driving conduct; and (2) the deputy's written incident report.

At the hearing, the deputy testified that, on July 18, 2024, he was on patrol in his squad car in McLeod County. At about 11:00 p.m., he was approaching the intersection of

Highway 212 and McLeod Avenue South when he saw a vehicle driven by Wurzbacher traveling southbound on McLeod Avenue. The deputy observed that Wurzbacher “slowed for the intersection” but “did not stop for a stop sign while entering the roadway onto the highway.” The deputy then observed Wurzbacher make “a wide turn” into the far lane of the divided highway before “overcorrecting” and moving into the lane closest to the center median. The deputy noticed that one of the headlights on the vehicle was not operational. The deputy began following the vehicle and saw Wurzbacher “weaving” between the lanes. After observing this driving conduct, the deputy activated his lights and attempted to stop the vehicle. According to the deputy, Wurzbacher initially fled but was ultimately arrested.

Following the hearing, the district court denied Wurzbacher’s motions to suppress evidence and dismiss the complaint. The district court determined that the deputy had a reasonable, articulable suspicion to conduct an investigatory traffic stop. The district court credited the deputy’s testimony that he “observed a number of traffic infractions” by Wurzbacher, including: (1) failing to stop at an intersection, (2) entering the far lane when making a left turn, (3) changing lanes without signaling, and (4) operating a vehicle with a malfunctioning headlight. Based on these findings, the district court concluded that the deputy had a reasonable, articulable suspicion of criminal wrongdoing that supported the traffic stop and denied Wurzbacher’s motion to suppress on that basis.¹

¹ The district court also denied Wurzbacher’s motion to dismiss the fleeing charge for lack of probable cause. The district court determined that there was sufficient evidence to show that Wurzbacher drove his vehicle “in a manner to evade” the peace officer and “traveled at high rates of speeds” after the peace officer activated his squad car lights. Based on these facts, the district court concluded that there was probable cause to believe Wurzbacher intended to flee.

After the district court denied Wurzbacher’s motion, the state added two additional charges: second-degree operation of a motor vehicle under the influence of a controlled substance in violation of Minnesota Statutes sections 169A.20, subdivision 1(2) (2022) (count II), and operation of a motor vehicle with any amount of a controlled substance in the driver’s system in violation of Minnesota Statutes sections 169A.20, subdivision 1(7) (2022) (count III). Count I, which alleged that Wurzbacher fled from a peace officer in a motor vehicle, remained. The case then proceeded to a two-day jury trial. The jury found Wurzbacher guilty of counts I and III and acquitted him of count II. The district court sentenced Wurzbacher to 17 months in prison on count I for fleeing a peace officer in a motor vehicle and to a concurrent 364-day sentence on count III for impaired driving.

Wurzbacher appeals.

DECISION

Wurzbacher challenges the district court’s denial of his motion to suppress evidence, arguing that the deputy lacked reasonable, articulable suspicion to stop his vehicle. On review of a pretrial ruling on a motion to suppress, an appellate court reviews the district court’s findings of fact for clear error and its “legal determination that an officer had reasonable, articulable suspicion de novo.” *State v. Garding*, 12 N.W.3d 697, 703 (Minn. 2024). In applying the clear-error standard, an appellate court views the evidence in the light most favorable to the findings. *In re Welfare of C.T.B.*, 24 N.W.3d 651, 657 (Minn. 2025) (citing *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021)). A factual finding is clearly erroneous if it lacks evidentiary support in the record.

Id. We also defer to the district court’s credibility determinations. *State v. Miller*, 659 N.W.2d 275, 279 (Minn. App. 2003), *rev. denied* (Minn. July 15, 2003).

The United States and Minnesota Constitutions prohibit unreasonable searches and seizures. U.S. Const. amend. IV; Minn. Const. art. I, § 10. Generally, “[w]arrantless searches and seizures are per se unreasonable.” *State v. Malecha*, 3 N.W.3d 566, 572 (Minn. 2024). One exception to the warrant requirement allows a peace officer to “conduct a brief, investigatory stop of a motor vehicle when the officer has a reasonable, articulable suspicion that criminal activity is afoot.” *State v. Taylor*, 965 N.W.2d 747, 752 (Minn. 2021) (quotation omitted). “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.’” *Id.* (quoting *Terry v. Ohio*, 392 U.S. 1, 21 (1968)). “[T]he bar for reasonable suspicion is low,” *id.* at 758, but it must be based on “more than an inchoate and unparticularized suspicion or hunch of criminal activity,” *Illinois v. Wardlow*, 528 U.S. 119, 123-24 (2000) (quotations omitted). Generally, any traffic violation, however slight, provides an objective basis for initiating a traffic stop. *State v. George*, 557 N.W.2d 575, 578 (Minn. 1997). All that is required is that the officer be able to articulate a reasonable suspicion. *Taylor*, 965 N.W.2d at 752. When determining whether this standard is met, courts examine the totality of the circumstances. *Id.*

Here, based on its factual findings about the deputy’s observations, the district court determined that the deputy had a reasonable, articulable suspicion that Wurzbacher committed traffic violations by failing to stop at a stop sign, making a wide turn, changing lanes without signaling, and operating a vehicle with a malfunctioning headlight. On

appeal, Wurzbacher challenges the district court's factual findings and argues that the deputy lacked a reasonable, articulable suspicion that he committed any of the four traffic violations before stopping his vehicle. Because a single traffic violation can support an officer's reasonable, articulable suspicion, *George*, 557 N.W.2d at 578, we begin our analysis by considering the district court's determination that the officer had reasonable, articulable suspicion to stop Wurzbacher for failing to stop at a stop sign before driving through the intersection.

Wurzbacher argues that the district court's finding that he ran a stop sign is clearly erroneous because the squad-car video contradicts the deputy's testimony that he went through the stop sign without stopping. He maintains that the squad-car video "unambiguously shows that Wurzbacher did not commit any traffic or equipment violations before the deputy seized him." He asserts that the video does not show him fail to stop at the intersection because, in his view, a truck blocks the deputy's view and it was "pitch dark." On this basis, he argues that the district court's finding that the deputy observed Wurzbacher fail to stop is clearly erroneous.

In support of his argument, Wurzbacher relies on *C.T.B.*, 24 N.W.3d at 651. In that case, police officers responded to a report that a man was pointing a handgun at people at a light rail station. *C.T.B.*, 24 N.W.3d at 654. A few minutes later, officers saw the original suspect standing with a group of several other people, including C.T.B., at a nearby restaurant. *Id.* Officers found a handgun on C.T.B. during a pat-frisk and arrested him. *Id.* C.T.B. moved to suppress evidence of the handgun, arguing that the officers lacked a reasonable, articulable suspicion that he was armed based solely on his proximity to the

original suspect. *Id.* at 654-55. The district court denied the motion. *Id.* The Minnesota Supreme Court reversed, concluding that the officer lacked a reasonable, articulable suspicion that C.T.B. was engaged in criminal activity. *Id.* at 656-57. In reaching this determination, the supreme court reviewed footage from the police officer's body-worn camera. *Id.* at 657. After reviewing the testimony from the police officers and the body-worn camera, the supreme court determined that there was no evidence in the record—in the form of either testimony from the police officers or footage from the body-worn camera—to support the district court's factual finding that C.T.B. was “huddled” with the original suspect. *Id.* at 657-58. For that reason, the supreme court determined that the district court's factual finding was clearly erroneous and reversed the district court's denial of C.T.B.'s pretrial motion to suppress. *Id.* at 658.

In his brief, Wurzbacher contends that *C.T.B.* stands for the principle “that when a squad or body-cam video does not support an officer's testimony about the events depicted, a district court's factual finding not supported by that video is clearly erroneous.” And he further argues that courts show “deference in favor of video evidence.” However, Wurzbacher overstates *C.T.B.*'s holding. The supreme court explained in *C.T.B.* that the district court's factual findings were clearly erroneous because *neither* the officers' testimony at the suppression hearing *nor* the video footage supported the district court's factual findings. *Id.* at 657-58. In other words, there was *no* evidentiary support for the district court's factual findings. Moreover, the supreme court did not create a presumption in *C.T.B.* that video evidence is entitled to greater deference than witness testimony. *See id.* And this court has recognized that a district court's finding that a defendant committed

a traffic violation “is not clearly erroneous simply because a videorecording does not corroborate an officer’s observation of an event, so long as the videorecording does not contradict the officer’s testimony.” *State v. Mangen*, 25 N.W.3d 52, 60 (Minn. App. 2025).

Based on our review of the record, we are satisfied that the district court’s finding that Wurzbacher failed to stop at the stop sign is not clearly erroneous. Here, the deputy testified that he saw Wurzbacher fail to stop at a stop sign when approaching the intersection. Defense counsel asked the deputy on cross-examination if the deputy’s view of the stop sign was obstructed by a tree line or a truck. The deputy confirmed that he saw Wurzbacher’s vehicle for two to three seconds before the intersection as it approached the stop sign, and that he “maintained visual observation of the vehicle at all times.” The deputy further explained that the video did not capture Wurzbacher’s driving conduct as clearly as what the deputy observed with his “naked eye.” The deputy testified, “The dashcam has limitations based on its technology and based on the clarity and its position in the vehicle, so it would not capture what I would directly be seeing.”²

In its factual findings, the district court credited the deputy’s testimony that he personally observed Wurzbacher fail to stop at the stop sign. Before the prosecutor played the squad-car video, the district court stated, “I’ve now heard the officer testifying that

² In its responsive brief, the state cites articles related to squad-car video recordings. Wurzbacher urges us to exclude these articles, which are not part of the record on appeal. *See* Minn. R. Civ. App. P. 110.01 (noting that the record on appeal consists of “documents filed in the [district] court, the exhibits, and the transcript of the proceedings, if any”). The state filed a citation of supplemental authority, arguing that a reviewing court may consider publicly available articles. Because we do not rely on the state’s articles or the supplemental authority, we deem this issue moot.

[Wurzbacher] failed to observe a complete stop at a stop sign,” which “[met] the standard of reasonable, articulable suspicion.” The district court also credited the deputy’s explanation that the video was not as clear as the deputy’s direct, eyewitness observations. The district court stated: “[The deputy] testified that the dash camera . . . did not capture the circumstances as well as his vision due to factors such as the camera footage quality and his visual perspective.” We defer to the district court’s credibility determinations on these matters. *See Miller*, 659 N.W.2d at 279 (deferring to the district court’s credibility findings). And, under the clear-error standard of review, we are satisfied that the video evidence did not contradict the eyewitness testimony. We therefore conclude Wurzbacher has not met his burden to demonstrate the district court clearly erred in its factual findings relating to Wurzbacher’s failure to stop.

We further conclude that the district court’s factual findings are sufficient to support a reasonable, articulable suspicion of criminal activity based on a failure to stop at the stop sign. Minnesota law directs that a driver “shall stop at a stop sign . . . before entering the intersection.” Minn. Stat. § 169.30(b) (2024). The statute is violated “when the driver of a vehicle drives past the stop sign or stop line before coming to a complete stop.” *State v. Gibson*, 945 N.W.2d 855, 859 (Minn. 2020). Here, the deputy testified at the suppression hearing to “specific, articulable facts” that provided him with “a particularized and objective basis for suspecting [Wurzbacher] of criminal activity.” *State v. Diede*, 795 N.W.2d 836, 842-43 (Minn. 2011) (quotations omitted). And the district court made factual findings about the deputy’s observation of Wurzbacher’s failure to stop.

We therefore conclude the district court properly determined that the deputy had reasonable articulable suspicion to stop Wurzbacher based on the deputy's observation that he failed to come to a complete stop before entering the intersection. The deputy's reasonable articulable suspicion of Wurzbacher's failure to stop was enough, standing on its own, to justify the traffic stop. Accordingly, we need not address whether the record supports the district court's determination that the deputy observed other traffic violations. The district court did not err by denying Wurzbacher's motion to suppress.³

Affirmed.

³ The parties also dispute whether Wurzbacher's flight from the deputy was an intervening circumstance that purged the taint of the allegedly unlawful stop. *See State v. Engel*, 18 N.W.3d 540, 550 (Minn. App. 2025) (recognizing that the commission of a new crime by a defendant, including fleeing police, may purge the taint of a prior unlawful search or seizure), *rev. granted* (Minn. June 17, 2025). Based on our determination that the traffic stop was supported by a reasonable articulable suspicion, we do not reach this issue.