

*This opinion is nonprecedential except as provided by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
A25-0971**

State of Minnesota,
Respondent,

vs.

Paolo R Contreras Hernandez,
Appellant.

**Filed February 2, 2026
Affirmed
Harris, Judge**

Sherburne County District Court
File No. 71-CR-22-1029

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

Dawn R. Nyhus, Sherburne County Attorney, George R. Kennedy, Assistant County Attorney, Elk River, Minnesota (for respondent)

Rodd Tschida, Minneapolis, Minnesota (for appellant)

Considered and decided by Smith, Tracy M., Presiding Judge; Harris, Judge; and
Kirk, Judge.*

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

NONPRECEDENTIAL OPINION

HARRIS, Judge

This is an appeal from the final judgment of conviction for speeding and driving while impaired (DWI). Appellant challenges the district court's pretrial order denying his motion to suppress evidence and to dismiss the charges, arguing that the traffic stop was unsupported by reasonable, articulable suspicion. We affirm.

FACTS

In July 2022, a Sherburne County deputy observed appellant Paolo R Contreras Hernandez driving 42 miles per hour in a 30-mile-per-hour zone. The deputy pulled the vehicle over and requested Hernandez's license and insurance information. While Hernandez was looking for his insurance information on his phone the deputy asked, "How much alcohol have you had to drink tonight, Paolo?" Hernandez answered, "Like three beers." The traffic stop turned into a DWI investigation. Hernandez was arrested after failing the field sobriety test. Respondent State of Minnesota charged Hernandez with two counts of misdemeanor DWI under Minnesota Statutes section 169A.20, subdivisions 1(1), 1(5) (2020), and petty-misdemeanor speeding under Minnesota Statutes section 169.14, subdivision 2(a)(1) (2020).

Hernandez filed a motion to suppress the evidence and to dismiss the charges because the deputy lacked reasonable, articulable suspicion for the traffic stop. The matter proceeded to an evidentiary hearing, where the district court heard testimony from the deputy who conducted the traffic stop and received the deputy's body-worn camera footage and squad-car video footage into evidence.

The deputy testified that, based on the speed reading from his radar unit, Hernandez was driving 42 miles per hour in a 30-mile-per-hour zone. The deputy did not indicate whether Hernandez was traveling in an urban district. At the end of the hearing, both parties agreed to submit briefing on whether the deputy had reasonable, articulable suspicion for the traffic stop. The district court denied Hernandez's motion to suppress the evidence.

After Hernandez initially pleaded guilty to two of the charged offenses and was then permitted to withdraw his guilty pleas, the parties agreed to a stipulated facts and evidence trial under Minnesota Rule of Criminal Procedure 26.01, subdivision 3.¹ Hernandez stipulated that he drove 42 miles per hour in a posted 30-mile-per-hour zone. The state also amended Hernandez's petty-misdemeanor speeding citation, charging it under Minnesota Statutes section 169.14, subdivision 5 (2020).² The district court concluded that Hernandez exceeded the posted 30-mile per hour speed limit, and found him guilty of DWI and speeding.

Hernandez appeals.

¹ Under this rule, by agreement of the parties, "a determination of the defendant's guilt . . . may be submitted to and tried by the court based entirely on stipulated facts, stipulated evidence, or both." Minn. R. Crim. P. 26.01, subd. 3(a). "If the court finds the defendant guilty based entirely on the stipulated facts, stipulated evidence, or both, the defendant may appeal from the judgment of conviction and raise issues on appeal as from any trial to the court." *Id.*, subd. 3(f).

² Minnesota Statutes section 169.14, subdivision 5, provides that "local authorities . . . may request the commissioner to authorize, upon the basis of an engineering and traffic investigation, the erection of appropriate signs designating what speed is reasonable and safe." And it states that "[a]ny speed limit within any municipality shall be a maximum limit and any speed in excess thereof shall be unlawful."

DECISION

Hernandez challenges the district court's pretrial order denying his motion to suppress the evidence that flowed from the traffic stop. He argues that the district court erroneously concluded that he was speeding in violation of section 169.14, subdivision 2(a)(1), because there was no evidence to support that he exceeded the speed limit in an "urban district."³

When reviewing a pretrial order on a motion to suppress evidence, we independently review the facts to determine whether, as a matter of law, the district court erred in not suppressing the evidence. *State v. Harris*, 590 N.W.2d 90, 98 (Minn. 1999). We review the district court's findings of fact for clear error and its legal determination that the deputy had reasonable suspicion to initiate the traffic stop de novo. *State v. Diede*, 795 N.W.2d 836, 843 (Minn. 2011); *State v. Britton*, 604 N.W.2d 84, 87 (Minn. 2000).

The Fourth Amendment of the United States Constitution and the Minnesota Constitution guarantee "[t]he 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

³ Hernandez challenged only the validity of the initial stop, not the expansion of the stop. Because this argument was not raised below or considered by the district court, we refrain from addressing it here. *See Thiele v. Stitch*, 425 N.W.2d 580, 582 (Minn. 1988) (stating that appellate courts "consider only those issues that the record shows were presented and considered by the [district] court in deciding the matter before it" (quotation omitted)); *see also Roby v. State*, 547 N.W.2d 354, 357 (Minn. 1996) (holding that in reviewing a district court's decision, appellate courts "generally will not decide issues which were not raised before the district court, including constitutional questions of criminal procedure.")

investigative stops by police. *Britton*, 604 N.W.2d at 87. “[A]rticle I, section 10 requires application of *Terry* principles to traffic stops.” *State v. Askerooth*, 681 N.W.2d 353, 363 (Minn. 2004). Under *Terry*, an officer may conduct a traffic stop if the officer had a reasonable, articulable suspicion that the person might be engaged in criminal activity. *Diede*, 795 N.W.2d at 842.

“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 has reasonable, articulable suspicion to stop a car if they observe a traffic violation, no matter how insignificant. *See State v. George*, 557 N.W.2d 575, 578 (Minn. 1997) (“Ordinarily, if an officer observes a violation of a traffic law, however insignificant, the officer has an objective basis for stopping the vehicle.”). “An actual violation of . . . traffic laws need not be detectable.” *State v. Pike*, 551 N.W.2d 919, 921 (Minn. 1996). An officer “must only show that the stop was not the product of mere whim, caprice or idle curiosity, but was based upon ‘specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion.’” *Id.* at 921–22 (quoting *Terry*, 392 U.S. at 21).

Here the deputy testified that, based on his training and experience, he believed Hernandez was driving “at a pace faster than what would appear to be 30 miles an hour.”

The deputy testified that he activated his radar unit and determined Hernandez was driving at 42 miles per hour. The deputy's observation of Hernandez speeding provided an objective basis to conduct a traffic stop. *See George*, 557 N.W.2d at 578; *see also State v. Fort*, 660 N.W.2d 415, 418 (Minn. 2003) (holding that an officer who reasonably suspects that a driver is speeding can perform a traffic stop). In sum, the deputy provided specific and articulable facts that supported his reasonable suspicion of a traffic violation.

Both the law and the record support the district court's determinations that the deputy had reasonable, articulable suspicion to stop Hernandez. Because the deputy had a reasonable, articulable suspicion for stopping Hernandez, the district court did not err in denying Hernandez's motion to suppress.⁴

Affirmed.

⁴ We note that although Hernandez expressly framed the issue as whether the traffic stop of his motor vehicle was supported by reasonable, articulable suspicion, his briefing seemed to suggest a sufficiency-of-the-evidence argument. This argument was not asserted before the district court or on appeal. Because we do not consider matters not argued to and considered by the district court, we refrain from addressing that argument here. *See Thiele*, 425 N.W.2d at 582; *see also State v. Anderson*, 871 N.W.2d 910, 915 (Minn. 2015) ("An assignment of error based on mere assertion and not supported by any argument or authorities in appellant's brief is waived and will not be considered on appeal unless prejudicial error is obvious on mere inspection.").