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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1362**

Maryam Yusuf Ahmed,
Respondent,

vs.

State of Minnesota,
Appellant.

**Filed April 6, 2026
Reversed and remanded
Bratvold, Judge**

Hennepin County District Court
File No. 27-CR-25-3592

Peter Lindstrom, Subzero Criminal Defense, St. Paul, Minnesota (for respondent)

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

Kristyn M. Anderson, Minneapolis City Attorney, Caleb A. Johnson, Assistant City Attorney, Minneapolis, Minnesota (for appellant)

Considered and decided by Ross, Presiding Judge; Bratvold, Judge; and Ede, Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

In this pretrial appeal, appellant State of Minnesota challenges the district court's order suppressing evidence and dismissing charges of driving while impaired (DWI). The state argues that the district court erred by concluding that a law enforcement officer lacked reasonable, articulable suspicion to conduct a DWI investigation after stopping respondent

Maryam Yusuf Ahmed. Because the officer reasonably suspected impaired driving, we reverse and remand for further proceedings.

FACTS

The following summarizes the district court's factual findings after an evidentiary hearing as well as other evidence relevant to the issue on appeal.

At about 2:30 a.m. on February 10, 2025, a Minneapolis police officer was parked in a marked squad car near the intersection of Lake Street and Lyndale Avenue in Minneapolis. The officer saw a blue sport utility vehicle (SUV) driving east on Lake Street toward the intersection with its headlights off.

The officer followed the SUV. The SUV "got into the left turn lane, signaled, and turned left onto Lyndale Avenue." The officer turned on his emergency lights, but the SUV "continued driving for approximately another block." The officer "sped up to catch up with" the SUV and "turned on his sirens." The SUV "quickly pulled over without signaling near the intersection of Lyndale and 28th Street." The SUV "never veered out of its designated lane or violated other traffic laws beyond the lack of headlights."

The officer approached the driver's window and saw the driver, later identified as Ahmed, alone in the SUV. As they spoke through the open window, the officer did not detect the odor of an alcoholic beverage or observe "any signs of impairment" in Ahmed's eyes. The district court's order noted the officer testified that "there was a very strong perfume scent emanating from" inside the SUV and that he knew perfume could be used to mask the odor of alcohol. The officer asked Ahmed for her driver's license and proof of insurance. While retrieving her driver's license, Ahmed fumbled and dropped a credit card.

The officer asked Ahmed where she was coming from. Ahmed replied, “Where am I coming from?” and identified a “bar or nightclub” that the officer knew was five blocks away from where he first saw Ahmed’s SUV. The officer asked Ahmed if she had anything to drink that night. She replied, “[N]o, I don’t drink, so . . . I just took my anxiety pill.” Ahmed added that she had “anxiety about being pulled over by the police.” The officer inspected Ahmed’s license and asked her why she had a limited license. Ahmed replied that she had a DWI offense. When the officer asked if the DWI was alcohol- or drug-related, Ahmed replied, “It was alcohol for my first time. I’ve never drank alcohol before, and it was that.” The officer testified that Ahmed’s limited license restriction “had expired at the time of the stop.”

The officer again asked Ahmed if she had anything to drink. Ahmed replied, “I got my anxiety pill right when you pulled over.” The officer responded, “Well, your anxiety pill wouldn’t make you drive with your lights on. Or off, rather.” Ahmed replied, “No, they’re off because—” and the officer interrupted her to ask, “What was that you just put down? Was that a pill?” Ahmed said that it was gum and held a wad of chewed gum in her hand. The officer told Ahmed that sometimes people chew gum to mask the odor of alcohol. Ahmed responded, “[O]h no, I have not been drinking. And I’m saying this because I took an anxiety pill because I saw headlights and I pulled over. But you can—whatever you want to do I will respect it.”

The officer asked Ahmed if she would submit to a preliminary breath test (PBT), and she agreed to do so. Ahmed’s PBT sample showed an alcohol concentration of 0.20.

The officer arrested Ahmed for DWI, and the state charged her with two counts of second-degree DWI under Minn. Stat. § 169A.20, subd. 1(1), (5) (2024).

Ahmed moved to suppress the evidence and dismiss the charges, arguing that the officer did not have reasonable, articulable suspicion “to support expanding the stop into a [DWI] investigation.” At a July 2025 evidentiary hearing, the district court received recordings from the officer’s body-worn camera and squad-car camera. The officer testified to the events summarized above. The officer also testified that he asked Ahmed to take a PBT “because her headlights were off, she did not immediately pull over, she was chewing gum, the car smelled strongly of perfume, she was coming from a bar, and she had a limited license restriction because of a prior DWI.” And the officer testified that, when he turned on his siren, Ahmed “just abruptly moved to the right and stopped,” which “wasn’t normal” driving conduct.

The district court granted Ahmed’s motion to suppress. It found that Ahmed was “speaking in a normal, if nervous, manner throughout her interaction with” the officer. The district court also found that Ahmed removed chewing gum from her mouth while she continued to speak with the officer, which “weakens the support that the chewing gum lends to reasonable, articulable suspicion” of impaired driving.

The district court concluded that “none of the facts credibly testified to . . . are objective indicia of intoxication.” The district court explained that, “although many of the innocent factors in this case—such as gum chewing, perfume scent, the license restriction, and Ms. Ahmed coming from a bar—could support the expansion of the stop in other

circumstances, they do not clear the reasonable, articulable suspicion threshold in this case.”

The state appeals.

DECISION

The United States and Minnesota Constitutions guarantee the right to be free from unreasonable searches and seizures. U.S. Const. amend. IV; Minn. Const. art. I, § 10. A law enforcement officer may stop and detain a driver if the officer has a reasonable, articulable basis for suspecting the driver of criminal activity. *State v. Taylor*, 965 N.W.2d 747, 752 (Minn. 2021). “The actions of the police” during a traffic stop must be “reasonably related to and justified by the circumstances that gave rise to the stop in the first place.” *State v. Askerooth*, 681 N.W.2d 353, 364 (Minn. 2004). Each “incremental intrusion” after the stop must be “strictly tied to” either the initial basis for the stop or independent reasonable suspicion. *Id.* (quotation omitted).

For example, an officer must have reasonable suspicion that a driver is impaired by alcohol before the officer can expand a traffic stop into a DWI investigation and ask for a PBT. *See State v. Klamar*, 823 N.W.2d 687, 696 (Minn. App. 2012) (considering whether a “trooper’s initiation of field sobriety and preliminary breath testing was reasonable”). Whether reasonable suspicion justifies the expansion of a traffic stop is a mixed question of law and fact. *State v. Lugo*, 887 N.W.2d 476, 486-87 (Minn. 2016). Appellate courts review a district court’s factual findings on the circumstances of a stop for clear error. *Id.* But whether those circumstances establish reasonable suspicion is a question of law that we review de novo. *Id.*

The state argues that the officer reasonably suspected Ahmed was impaired and that this justified his asking Ahmed to perform a PBT.¹ The reasonable-suspicion standard is a “low hurdle,” but it requires “more than a mere hunch that the suspect has done something illegal.” *Taylor*, 965 N.W.2d at 752, 757, 759 (quotation omitted). An officer must point to “specific facts” that establish “a particularized and objective basis for suspecting the particular person stopped of criminal activity.” *Lugo*, 887 N.W.2d at 486 (quotations omitted).

In assessing whether this standard is met, appellate courts evaluate the totality of the circumstances. *State v. Sargent*, 968 N.W.2d 32, 38-39 (Minn. 2021). This includes the facts known to the officer at the time of the intrusion and reasonable inferences drawn from those facts. *Taylor*, 965 N.W.2d at 753. We recognize that law enforcement training enables an officer to “make inferences and deductions that might well elude an untrained person.” *Mesenburg v. Comm’r of Pub. Safety*, 969 N.W.2d 642, 648 (Minn. App. 2021) (quotation omitted), *rev. denied* (Minn. Mar. 15, 2022). “Nonetheless, the reasonableness of the officer’s actions is an *objective* inquiry, even if reasonableness is evaluated in light of an officer’s training and experience.” *State v. Koppi*, 798 N.W.2d 358, 363 (Minn. 2011) (quotation omitted).

¹ When the state appeals a pretrial order, it must show not only error but also “that the order will have a critical impact on its ability to prosecute the case.” *State v. McLeod*, 705 N.W.2d 776, 784 (Minn. 2005) (quotation omitted). We conclude that the district court’s order had a critical impact on the state’s case because suppression of the evidence resulted in dismissal of the charges against Ahmed. *See State v. Gauster*, 752 N.W.2d 496, 502 (Minn. 2008) (stating that the dismissal of charges following suppression of evidence meets the critical-impact requirement).

Our caselaw has recognized that reasonable suspicion of impaired driving supports investigation if an officer observes a traffic violation “coupled with indicia of intoxication,” such as an odor of alcohol, slurred speech, bloodshot eyes, or lack of coordination. *Mesenburg*, 969 N.W.2d at 648 (discussing the odor of alcohol); *see also Lorsung v. Comm’r of Pub. Safety*, 30 N.W.3d 777, 786 (Minn. 2026) (listing examples of “physical signs of impairment,” including “bloodshot eyes, watery eyes, slurred speech, or poor balance”). But *physical* indicia of impairment should not be conflated with *objective* indicia of impairment. *See Otto v. Comm’r of Pub. Safety*, 924 N.W.2d 658, 661 (Minn. App. 2019) (considering a defendant’s driving outside the traffic lane and failure to signal a turn at 1:20 a.m. to be “objective” indicia of intoxication).

In fact, “no bright line rule requires an officer to observe one of the physical indicia of intoxication” before reasonable suspicion of driver impairment can be established. *Taylor*, 965 N.W.2d at 758. If enough “other factors” suggest a driver is impaired, then reasonable suspicion supports further investigation. *Id.* While the absence of physical indicia of impairment is “unusual,” it is considered in the totality-of-the-circumstances analysis and may be outweighed by other factors. *Id.*

After the officer stopped Ahmed, he observed no physical indicia of impairment. And the officer did not observe any alcohol or empty containers in Ahmed’s SUV. These facts weigh against reasonable suspicion. *See id.* But the state maintains that, under the totality of the circumstances, there were enough “other factors” to establish reasonable suspicion of impaired driving.

We first consider individually the factors on which the officer relied, and then we consider whether, in totality, they amount to reasonable suspicion. *See State v. Garding*, 12 N.W.3d 697, 702-03 (Minn. 2024) (“Where appropriate, the totality of the circumstances may be analyzed by looking first to each identified fact supporting reasonable suspicion independently and then considering whether those facts, even if independently weak, are sufficient in the aggregate.”).

Chewing Gum and Perfume

The state argues that Ahmed’s use of chewing gum and perfume “to mask the odor of alcohol” supports reasonable suspicion of impairment. Ahmed counters that she “took the gum out of her mouth” before the officer asked her to take the PBT and that perfume “is a strong part of” her culture.²

The district court determined that Ahmed removed her gum while speaking to the officer, which weakened any inference that Ahmed was masking the odor of alcohol. This conclusion is contrary to the record. The officer testified that, based on his training and experience, he believed Ahmed may have used chewing gum and a strong perfume in an

² The state cites several nonprecedential opinions that consider a driver’s masking behavior when analyzing reasonable suspicion of illegal activity. *See State v. Walbridge*, No. A24-1641, 2021 WL 5442373, at *4 (Minn. App. Nov. 22, 2021) (stating that a driver’s use of “numerous air fresheners” that were “likely used to mask odors from controlled-substance use” supported reasonable suspicion of impairment), *rev. denied* (Minn. Feb. 15, 2022); *State v. Neumann*, No. A03-1941, 2004 WL 2521179, at *4-5 (Minn. App. Nov. 9, 2004) (stating that a driver’s “attempt to mask odor” with cigarette smoke supported reasonable suspicion “that narcotics were in the car”). Nonprecedential opinions “are not binding authority” but “may be cited as persuasive authority.” Minn. R. Civ. App. P. 136.01, subd. 1(c); *see State v. Monyak*, 14 N.W.3d 210, 215 n.2 (Minn. App. 2024) (applying rule 136.01, subd. 1(c), in the criminal context). *Walbridge* and *Neumann* are persuasive given the evidence of Ahmed’s masking behavior.

attempt to “mask” or “cover up” odors from alcohol use. When asked if it was “typical” for drivers masking the odor of alcohol to remove their chewing gum, the officer testified, “Some people do; some don’t.” We conclude that Ahmed’s masking behaviors contributed to the officer’s reasonable suspicion of impaired driving.³

Limited License Restriction and Prior DWI

The state argues that Ahmed’s “license restriction and the related DWI offense” support reasonable suspicion of impairment. Ahmed argues that this factor should not be considered because she “was not under the limited license restriction at the time that she was stopped.”

Ahmed concedes that there is no caselaw “that squarely draws a distinction between expired driving restrictions and current driving restrictions related to past DWIs.” But she reasons that a driver’s license history is “analogous to past criminal history” and maintains that criminal history is “generally frowned upon” in a reasonable-suspicion analysis. We disagree. Even if we assume, without deciding, that driving history is analogous to criminal

³ The state concedes that “masking behavior without additional suspicious activity is not sufficient for reasonable, articulable suspicion.” The state cites *State v. Bell*, in which this court considered whether two officers had reasonable suspicion to detain Bell for suspected drug possession. 557 N.W.2d 603, 606-07 (Minn. App. 1996), *rev. denied* (Minn. Mar. 18, 1997). The officers testified that they thought Bell’s use of a cigar package and cologne “could be a masking agent for drugs.” *Id.* at 606. This court concluded that the officers lacked reasonable suspicion because this testimony was “significantly rebutted” by the officers’ admission they had no training or experience about the items being used as masking agents and that it could have been innocent use. *Id.* at 606-07.

But *Bell* did not categorically reject masking behaviors as possible indicia of impairment. And unlike the officers in *Bell*, the officer here testified that, based on his training and experience, perfume and chewing gum are sometimes used by impaired drivers to mask the odor of alcohol.

history, an officer's knowledge of a defendant's criminal history may, in some circumstances, support reasonable suspicion of criminal activity. *State v. Gilchrist*, 299 N.W.2d 913, 916 (Minn. 1980); *see also State v. Bellikka*, 490 N.W.2d 660, 663 (Minn. App. 1992) (considering a police officer's knowledge of a suspect's history of burglary offenses among the circumstances supporting reasonable suspicion that the suspect participated in a recent burglary), *rev. denied* (Minn. Nov. 25, 1992). Thus, we reject Ahmed's argument that we should not consider past driving history under the totality of the circumstances.

A driver's history that includes impaired driving may contribute to reasonable suspicion of present impairment. *See Taylor*, 965 N.W.2d at 755-56 (concluding that an officer's reasonable inference that a motorist's license was canceled because of "multiple alcohol-related driving incidents" may contribute to reasonable suspicion of impaired driving). The officer testified that Ahmed's driver's license had "a limited license restriction." When he asked her why she had the restriction, Ahmed told the officer that she had a prior DWI. It does not matter that Ahmed's limited license restriction was not in effect at the time of the stop. Ahmed's history of impaired-driving conduct contributes to reasonable suspicion that Ahmed was impaired at the time of the stop.

Leaving a Nearby Bar Around Closing Time

The state argues that the "time and location, 2:45 a.m. and leaving a nearby bar," support reasonable suspicion of impaired driving. Ahmed counters that her "[m]ere presence in a bar does not give an officer license to engage in a search or seizure."

The time and location of a traffic stop are relevant when evaluating the reasonableness of a DWI investigation. *See State v. Lee*, 585 N.W.2d 378, 383 (Minn. 1998) (stating that a driver’s failure to observe traffic laws at 3:00 a.m., when “drinking is often found to be involved,” can provide an objective basis to investigate DWI (quotation omitted)). For example, in *State v. Morse*, law enforcement stopped Morse in his truck on suspicion of DWI, and the state later charged him with DWI. 878 N.W.2d 499, 500 (Minn. 2016). The supreme court affirmed the district court’s determination that reasonable suspicion supported the investigation. *Id.* at 502-03. The supreme court agreed with the district court that the relevant circumstances included not only Morse’s driving conduct, but also “the fact that the events occurred close to 2:00 a.m. bar closing time” and “that Morse was leaving downtown, an area with bars,” among other factors. *Id.* at 502.

The officer agreed it was “significant” that Ahmed said she was coming from a bar, and he testified that, based on his experience, “typically people who go to bars drink.” The officer testified that the traffic stop occurred at 2:45 a.m. and agreed that it was “sometime after bar close.” And the officer testified that he first saw Ahmed’s SUV “roughly five blocks” from the bar Ahmed had identified. Because the officer encountered Ahmed after closing time of a nearby bar and she admitted to having just left the bar, where patrons usually drink alcohol, this factor contributes to reasonable suspicion.

Driving Conduct

The state argues that Ahmed’s failure to use headlights, to stop immediately when the officer turned on his emergency lights, and to signal to pull over support reasonable

suspicion of impaired driving.⁴ Ahmed concedes that the officer was justified in stopping her for the headlight violation but appears to argue that her driving conduct does not support reasonable suspicion of DWI.

“Erratic driving and failing to observe traffic laws can be indicia of intoxication.” *Otto*, 924 N.W.2d at 661. This can include a driver’s “failure to turn on lights immediately after restarting [their] engine” at night, *State v. Driscoll*, 427 N.W.2d 263, 265 (Minn. App. 1988), as well as a driver’s failure “to signal a turn,” *Otto*, 924 N.W.2d at 661. The officer testified that he followed Ahmed’s SUV for “[a]bout two blocks” with his emergency lights activated. The officer testified that, when he turned on his siren, Ahmed quickly pulled over without using her turn signal. When asked what Ahmed’s driving conduct showed, based on his training and experience, the officer testified, “Some distraction. Something was wrong. It wasn’t normal.”

It is undisputed that Ahmed did not turn on her headlights at night, did not stop immediately when the officer activated his emergency lights, and did not use her turn signal to pull over. But the officer was “about half a block behind” Ahmed when he first activated his emergency lights. Ahmed quickly pulled over once the officer activated his siren and

⁴ The state argues that Ahmed also “quickly jerked to the side of the road” when the officer activated his siren. At the hearing, the officer testified that the SUV “just abruptly moved to the right and stopped.” But the district court found that the officer’s testimony was “clearly disproven” by the squad-car recording. The district court found that Ahmed’s SUV “can be seen quickly pulling to the right when [the officer] activated his siren” and that “there were no other cars around, it was the middle of the night, and [the SUV] glided to a stop for six seconds before completely halting.” The district court also found that the SUV “never veered out of its designated lane or violated other traffic laws beyond the lack of headlights.” Because the district court’s findings are reasonably supported by the record, we conclude that they are not clearly erroneous.

did not swerve in her lane or exhibit any other driving behavior associated with impaired driving. Some of Ahmed’s driving conduct supports reasonable suspicion of impairment, and some does not. Thus, we conclude Ahmed’s driving conduct that supports impairment is a weak factor under our totality-of-the-circumstances analysis and contributes slightly to reasonable suspicion.

Anxiety Pill

The state argues that Ahmed’s statement that she took an anxiety pill—“a potential controlled substance”—may support reasonable suspicion of impaired driving. The state appears to contend that Ahmed’s admitted “consumption of an intoxicating substance may go towards reasonable, articulable suspicion.”⁵ Ahmed counters that the “anxiety pill has no bearing on determining reasonable, articulable suspicion to administer a PBT” because a PBT “is directly tied to alcohol use.”

The officer testified and confirmed that Ahmed “mentioned that she had taken an anxiety pill.” And the district court found that Ahmed told the officer multiple times during the stop that she took an anxiety pill. But there is no evidence about the kind of anxiety pill Ahmed may have taken. And the officer did not testify that he suspected controlled-substance impairment or that Ahmed took more than one pill. The limited record on the anxiety pill does not support a reasonable inference that Ahmed was impaired and therefore does not contribute to reasonable suspicion.

⁵ The state cites *Klamar*, which involved a driver’s statement about consuming “one drink,” among other indicia of impairment. 823 N.W.2d at 694. For the reasons expressed above, we conclude that *Klamar* does not apply to the specific facts before us.

Fumbling a Credit Card

The state argues that Ahmed’s “mishandling of the credit card” while talking to the officer should be considered in our totality-of-the-circumstances analysis. Ahmed concedes that “difficulty with coordination in retrieving a driver’s license can be an indicator of impairment.” But Ahmed argues that “merely [dropping] a credit card in the process of grabbing her license” is “not an extreme level of incoordination” that would support reasonable suspicion of impairment. Ahmed notes that “[p]eople drop things while sober all the time” and that the evidence shows she was nervous around police officers.

Both parties rely on *Otto*, in which this court considered whether a deputy had reasonable suspicion that a driver was impaired before requesting sobriety tests. 924 N.W.2d at 661-62. “When asked to produce his license, [the driver] attempted unsuccessfully to remove it from his wallet; he then gave the wallet to the deputy, who removed the license without difficulty.” *Id.* at 660. This court determined that the driver’s poor coordination helped establish reasonable suspicion that he was intoxicated. *Id.* at 661-62.

The officer testified that, as Ahmed “was getting her driver’s license out, she kind of fumbled a bit [and] dropped a credit card.” Unlike the driver in *Otto*, Ahmed removed the license from her wallet and gave it to the officer. We conclude that Ahmed’s fumbling of her credit card supports reasonable suspicion of DWI, if only slightly given that Ahmed successfully produced her license.

In sum, the totality of the circumstances shows that the officer had reasonable suspicion of impairment. Some circumstances suggest that Ahmed was not impaired—for

example, the lack of physical indicia of intoxication and her quick response to the squad siren. But we conclude that other objective indicia of impairment reach the “low hurdle” of reasonable suspicion. *Taylor*, 965 N.W.2d at 752, 757. Ahmed had left a nearby bar and was driving without using her headlights after 2:30 a.m. Ahmed did not immediately pull over when the officer activated his emergency lights and did not use her turn signal when she did pull over. The officer also saw Ahmed chewing gum and smelled a strong odor of perfume while talking to Ahmed; the officer knew both behaviors could mask the odor of alcohol. Further, Ahmed had a prior history of DWI and fumbled her credit card during the stop.

These facts and circumstances, taken in totality, demonstrate that the officer had reasonable, articulable suspicion that Ahmed was driving while impaired; therefore, the officer’s request for a PBT was lawful. Thus, we reverse the district court’s order granting Ahmed’s motion to suppress and remand for further proceedings consistent with this opinion.

Reversed and remanded.