

*This opinion is nonprecedential except as provided by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
A25-1378**

Daud Dayib Gamadid, petitioner,
Respondent,

vs.

Commissioner of Public Safety,
Appellant.

**Filed July 6, 2026
Affirmed
Smith, Tracy M., Judge**

Hennepin County District Court
File No. 27-CV-24-8291

Daud Dayib Gamadid, Eden Prairie, Minnesota (self-represented respondent)

Keith Ellison, Attorney General, Corinne Wright, Assistant Attorney General, St. Paul,
Minnesota (for appellant)

Considered and decided by Smith, Tracy M., Presiding Judge; Beane, Judge; and
Smith, John, Judge.*

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

In this appeal from the district court's order rescinding the revocation of respondent
Daud Dayib Gamadid's driver's license for refusing to submit to a blood or urine test,

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

appellant Minnesota Commissioner of Public Safety (the commissioner) argues that the district court erred by determining that (1) the trooper conducting the stop of Gamadid expanded the stop into a driving-while-impaired (DWI) investigation without reasonable, articulable suspicion and (2) the trooper lacked probable cause to arrest Gamadid for DWI. Because we conclude that the district court did not err by determining that probable cause was lacking, we affirm.

FACTS

The following factual summary is drawn from the district court's factual findings and supplemented as necessary with evidence submitted in the hearing on Gamadid's revocation petition.

On May 5, 2024, at around 2:50 a.m., a trooper observed a car with dark window tint idling on the side of a street outside an apartment building in Minneapolis. The trooper pulled up next to the car, activated his lights, and approached the car on foot. The car's sole occupant, later identified as Gamadid, was in the driver's seat.

As the trooper approached, he noticed a splash of liquid on the street, next to the driver's side door. The trooper asked Gamadid whether the liquid was vomit. Gamadid explained that the liquid was tea that he had dumped out from a cup in his console. The trooper asked Gamadid what he was doing there, and Gamadid explained that he was waiting for his uncle and was watching game highlights on his phone. The trooper said that "people [were] worried" because Gamadid's car windows were "super dark" and Gamadid had been idling there for a while. The trooper asked Gamadid for his license, but Gamadid refused to give it to him, asking him why he needed it. The trooper again explained that

Gamadid was in an idling vehicle and had “super dark” window tint, which is not allowed. The trooper also noted that he was checking on Gamadid’s welfare. After engaging with Gamadid for about two-and-one-half minutes, the trooper called for backup, noting that Gamadid was polite but uncooperative.

Over the course of the next several minutes, the trooper attempted multiple times to obtain identification from Gamadid. He also asked Gamadid several times if he had any weapons, which Gamadid consistently denied. The officer suggested that he was asking because he had seen Gamadid “tucking something” behind him. Gamadid phoned someone who he said was his uncle and, after speaking to the person, told the trooper that he was not going to tell the trooper his name or show his identification because he had not done anything wrong and had not committed any crimes. He also said that he did not consent to a search of his car. After several more minutes of the trooper attempting to obtain Gamadid’s identification, backup arrived, and the trooper arrested Gamadid. While Gamadid was detained in a squad car, officers searched his vehicle.

After searching Gamadid’s vehicle, the trooper applied for, and was granted, a warrant to obtain a sample of Gamadid’s blood or urine. Gamadid refused to give a sample. The commissioner revoked Gamadid’s driver’s license for refusing to provide a blood or urine sample pursuant to Minnesota Statutes section 169A.52, subdivision 3 (2024), and Gamadid petitioned the district court to rescind the revocation.

At an evidentiary hearing on the petition, the district court heard testimony from the trooper and from Gamadid. It also admitted into evidence a copy of the warrant application and signed warrant, video footage from the trooper’s body-worn camera (BWC), BWC

footage from another peace officer who responded to the call for backup, and footage from the trooper's squad-car camera.

The trooper testified that he had been employed as a peace officer for eight years and has specialized training as a drug-recognition evaluator. He described encountering Gamadid while on patrol and noticing that Gamadid was in an idling vehicle with "extremely dark tint." The trooper testified that, upon his approach to Gamadid's vehicle, Gamadid "rolled the window down and poked his head out" and the trooper noticed smoke coming out of the vehicle. The trooper said that he "had to spend some time there to perceive the scent of the odor" but that it was "a black, thick, toxic-like odor," which the trooper explained was "typically the odor of narcotics smoke."

The trooper also testified that, although Gamadid claimed that the fluid outside the vehicle was tea that he had poured out from a cup in his vehicle, he still suspected that Gamadid was impaired because he "appeared lethargic," had bloodshot, watery eyes, and every so often "would roll his eyes in what we know in the drug impairment world as on the nod which is almost reaching a state of unconsciousness." The trooper explained that bloodshot watery eyes indicate "consumption of anything from alcohol to marijuana to narcotics to stimulants" and that being "on the nod" is "an involuntary reaction that a person under the influence of a specific substance will experience." The trooper testified that Gamadid's droopy eyes, along with his "lethargic overall appearance," flaccid facial appearance, and the low tone of his voice indicated that his central nervous system was depressed.

The trooper also testified that he “had to ask [Gamadid] to repeat himself” because “his speech sounded slurred.” The trooper described Gamadid’s attitude as uncooperative, characterizing it as an attempt to control the situation or intimidate the trooper to get him to leave Gamadid alone.

The district court granted Gamadid’s petition to rescind his license revocation. It found that the trooper’s testimony regarding what he observed was not credible. The district court observed that the first time the trooper mentioned smoke and a toxic-like odor was at the evidentiary hearing. It also found that, contrary to the statement in the warrant application that the trooper initiated the stop because he suspected that the driver was “possibly slumped,” the video footage showed that there was no indication of someone “slumped” in the vehicle.¹ The district court found that, based on the video footage, Gamadid appeared relaxed and alert, his eyes did not appear watery or bloodshot, and he was engaged and did not appear to be “on the nod.” It also found that Gamadid—who speaks in a low voice with a strong Somali accent—repeated words several times to help the trooper understand what he was saying. The district court found that the video evidence did not corroborate the trooper’s statement that he saw Gamadid “tucking something” behind him in the car. It also noted that the trooper did not perform any field sobriety tests and that there were no drugs or drug paraphernalia in plain view in Gamadid’s car. It

¹ Law enforcement refers to a person who “has consumed alcohol and then either fallen asleep at the wheel or just passed out” as “slumped” or a “slumper.” *State v. Crane*, 766 N.W.2d 68, 74 (Minn. App. 2009), *rev. denied* (Minn. Aug. 26, 2009).

concluded that the trooper impermissibly expanded the scope of the stop into a DWI investigation and arrested Gamadid for DWI without probable cause.

This appeal follows.²

DECISION

The commissioner challenges the rulings by the district court that the trooper expanded the stop without reasonable, articulable suspicion of DWI and that the trooper lacked probable cause to arrest Gamadid for DWI. Because we conclude that the district court did not err by determining that the trooper lacked probable cause to arrest Gamadid for DWI and probable cause is required to sustain the revocation, we begin and end our analysis there.

Under Minnesota's implied-consent law, a peace officer may require testing if the officer has probable cause to arrest the person for DWI and the person has been lawfully placed under arrest for DWI. Minn. Stat. § 169A.51, subd. 1(b)(1) (2024). "A determination of probable cause is a mixed question of fact and law." *Groe v. Comm'r of Pub. Safety*, 615 N.W.2d 837, 840 (Minn. App. 2000), *rev. denied* (Minn. Sept. 13, 2000). Appellate courts will not set aside a district court's factual findings unless they are clearly erroneous, but they review de novo whether probable cause existed. *State v. Kier*, 678 N.W.2d 672, 678 (Minn. App. 2004), *rev. denied* (Minn. June 15, 2004).

² Gamadid is self-represented and did not file a response brief. Therefore, we decide this case on the merits as provided in Minnesota Rule of Civil Appellate Procedure 142.03.

The commissioner argues that the district court made clearly erroneous factual findings and erred as a matter of law by determining that the trooper did not have probable cause to arrest Gamadid for DWI. We address each argument in turn.

A. The Factual Findings are not Clearly Erroneous.

The commissioner contends that the district court made erroneous factual findings when it “substituted its own observations for those of a trained and experienced DWI officer” and “elevated what the trooper’s BWC *failed* to capture above other evidence in the record.” The argument is unpersuasive.

“[C]redibility determinations are exclusively the province of the fact-finder.” *Kellogg v. Woods*, 720 N.W.2d 845, 852 (Minn. App. 2006). “Deference must be given to the district court’s credibility decisions.” *State v. Klamar*, 823 N.W.2d 687, 691 (Minn. App. 2012). Appellate courts review credibility determinations for clear error and will disturb them “only when, after a thorough review of the record, [the reviewing court is] left with the definite and firm conviction that a mistake has been made.” *Andersen v. State*, 940 N.W.2d 172, 177 (Minn. 2020).

The district court may weigh conflicting testimony and determine which witness to believe. *State v. Kramer*, 668 N.W.2d 32, 38 (Minn. App. 2003), *rev. denied* (Minn. Nov. 18, 2003). When there is video evidence of a traffic stop, the district court may “make factual findings from its independent review” of the video, including discrediting contrary testimony from the officer who conducted the stop. *State v. Shellito*, 594 N.W.2d 182, 186 (Minn. App. 1999).

Here, the district court found that, contrary to the trooper's testimony, "Gamadid was not behaving in an intoxicated manner." It found instead that Gamadid was "engaged and responsive throughout the encounter," was not "on the nod," was "alert, relaxed in his demeanor," and "respond[ed] to most of the trooper's questions except those he deliberately refuse[d] to answer." These findings are supported by the trooper's BWC footage.

The commissioner also contends that the district court erroneously found that the trooper "did not mention his 'observations' to any other officer who responded to the scene—including . . . an MPD Officer who directly asked about the basis of the stop." The district court referenced the trooper's testimony:

It's the same things that I mentioned. The toxic like odor, the smoke coming out of the vehicle. The blood shot eyes, the watery eyes, the slurred speech, um, going on the nod, lethargic appearance, droopy eyelids, the flaccid facial muscles. All those things indicated to me the driver was impaired by drugs.

The district court found that the trooper's responses captured on the BWC were either "dismissive" or "unintelligible," which is corroborated by the record. The BWC footage supports the finding that the trooper did not describe these observations to the other troopers at the scene as he did at the implied-consent hearing.

The district court also found the characterization of Gamadid as "slumped" to be inaccurate based on the BWC footage. The footage shows that Gamadid rolled down his window as the trooper approached the vehicle, supporting a determination that he was not

slumped. And the district court, by its own viewing of the BWC footage, determined that Gamadid did not have bloodshot or watery eyes.

The commissioner argues that the district court clearly erred by finding the trooper's testimony that he saw Gamadid "tucking" something behind him in the car not credible. The commissioner asserts that the BWC footage does not "contradict" the trooper's testimony and that his testimony was corroborated by the statements captured on BWC alerting other officers on the scene that Gamadid had "tuck[ed]" something. But the BWC footage provides a view of Gamadid in the car and, having reviewed that footage, we cannot say that the district court clearly erred by finding the trooper's testimony not credible in light of the video evidence.

On this record, the district court's findings of fact are not clearly erroneous.

B. Probable Cause

We next examine whether these facts support the district court's determination that the trooper did not have probable cause to arrest Gamadid for DWI.

Probable cause exists "when a person of ordinary care and prudence, viewing the totality of the circumstances objectively, would entertain an honest and strong suspicion" that an individual has committed a crime. *State v. Ortega*, 770 N.W.2d 145, 150 (Minn. 2009). "Probable cause is an objective inquiry that depends on the totality of the circumstances in each case," including the "reasonable inferences that [law enforcement] officers draw from facts, based on their training and experience." *State v. Lester*, 874 N.W.2d 768, 771 (Minn. 2016). With respect to DWI, "[a]n officer needs only one

objective indication of intoxication to constitute probable cause to believe a person is under the influence.” *Kier*, 678 N.W.2d at 678 (quotation omitted).

The commissioner argues that “the totality of the circumstances, evaluated through the lens of the trooper’s training and experience, establishes that the trooper had probable cause to arrest Gamadid for DWI.” But in identifying the totality of the circumstances, the commissioner relies on the observations that the trooper testified to at the hearing, which the district court found were not credible. Because we discern no clear error by the district court, we review the totality of the circumstances based on the district court’s findings, doing so through the lens of the reasonable inferences that a law enforcement officer would draw from the facts, based on their training and experience.

The circumstances are as follows. The trooper came upon Gamadid sitting in an idling car at about 2:50 a.m. The trooper noticed a splash of liquid outside the vehicle and asked Gamadid about it. Gamadid explained that he had poured out his tea. Gamadid explained that he was watching game highlights on his phone while waiting for his uncle. The trooper attempted to obtain identification from Gamadid, but Gamadid was uncooperative. Gamadid was not slumped in the vehicle but instead was engaged and resistant to providing his information to the trooper. Gamadid’s eyes were not bloodshot. He was alert, with a relaxed demeanor. Gamadid “has a low voice and a thick Somali accent,” which led to him repeating some words so that the trooper could understand him. The trooper observed no drugs or paraphernalia in plain view.

The totality of the circumstances is insufficient to provide probable cause to arrest Gamadid for DWI. It is true that Gamadid was uncooperative about providing his license

in response to the officer's request, but his reason for refusing did not appear to relate to intoxication. Instead, he appeared to believe that he was not required to do so. Gamadid said repeatedly that he did not have a weapon and was not doing anything wrong, and he explained to the trooper that he received advice in a phone call that he placed during the encounter not to tell the trooper his name or show his identification because he had not done anything wrong and had not committed any crimes.

Because the totality of the circumstances does not support probable cause to arrest Gamadid for DWI, the district court did not err by rescinding the commissioner's revocation of his driver's license.

Affirmed.